

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>765</b>
Land:	Sri Lanka
Kilde:	Australian Government – Department of Foreign Affairs and Trade (DFAT)
Titel:	DFAT Country Information Report Sri Lanka
Udgivet:	2. maj 2024
Optaget på baggrundsmaterialet:	24. oktober 2025



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT SRI LANKA**

2 May 2024

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## ACRONYMS

ACMC	All Ceylon Makkal Congress
ADR	Additional Registrar General
AITC	Ahila Ilankai Tamil Congress ('All Ceylon Tamil Congress')
ATA	Anti-Terrorism Act (draft)
AUD	Australian Dollar
BBS	Bodu Bala Sena
CIABOC	Commission to Investigate Allegations of Bribery or Corruption
CID	Criminal Investigation Department (branch of the Sri Lanka Police)
EPDP	Eelam People's Democratic Party
EPRLF	Eelam People's Revolutionary Liberation Front
GANHRI	Global Alliance for National Human Rights Institutions
GBV	Gender-Based Violence
GDP	Gross Domestic Product
HRC	UN Human Rights Council
HRCSL	Human Rights Commission of Sri Lanka
HSZ	High Security Zone
I&E Act	Immigrants and Emigrants Act
ICCPR Act	International Covenant on Civil and Political Rights Act
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
ITAK	Ilankai Tamil Arasu Kachchi
ITJP	International Truth and Justice Project
JVP	Janatha Vimukthi Peramuna ('People's Liberation Front')
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex or Asexual
LKR	Sri Lankan Rupee (local currency)
LTTE	Liberation Tigers of Tamil Eelam
MMDA	Muslim Marriage and Divorce Act

MNA	Muslim National Alliance
MP	Member of Parliament
NCEASL	National Christian Evangelical Alliance of Sri Lanka
NGO	Non-Governmental Organisation
NIC	National Identity Card
NIMH	National Institute of Mental Health
NPC	National Police Commission
NPP	National People's Power ('Jathika Jana Balawegaya')
OfR	Office for Reparations
OHCHR	Office of the United Nations High Commissioner for Human Rights
OISL	Office of the United Nations High Commissioner for Human Rights Investigation on Sri Lanka
OMP	Office on Missing Persons
PLOTE	People's Liberation Organisation of Tamil Eelam
PTA	Prevention of Terrorism Act
SIS	State Intelligence Service
SJB	Samagi Jana Balawegaya ('United People's Power')
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
SLNI	Sri Lanka Navy Intelligence
SLPP	Sri Lanka Podujana Peramuna ('Sri Lanka People's Front')
TELO	Tamil Eelam Liberation Organization
TID	Terrorism Investigation Division (branch of the Sri Lanka Police)
TMVP	Thamil Makkal Viduthalai Pulikal ('Liberation Tigers of the Tamil People')
TNA	Tamil National Alliance
TNPF	Tamil National People's Front
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNP	United National Party
USD	US Dollar
WFP	World Food Programme

# GLOSSARY

<i>Aragalaya</i>	2022 anti-government protest movement; 'struggle' in English
<i>Aswesuma</i>	Welfare benefit payment scheme introduced in 2023
<i>Grama niladhari</i>	Village-level government office
<i>Hijab</i>	Female Islamic dress; covers head but not face
<i>Quazi</i>	A judge who rules on matters related to the <i>Muslim Marriage and Divorce Act (1951)</i>
<i>Yukthiya</i>	Anti-drug operation launched in December 2023; 'justice' in English

## Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

### official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

### societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers).

# 1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at the time of publication and is distinct from Australian Government policy with respect to Sri Lanka.

1.2 The report provides a general, rather than exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction 84 of 24 June 2019, issued under section 499 of the *Migration Act (1958)*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Sri Lanka and elsewhere. It takes into account credible open source reports, including those produced by: United Nations agencies; the US Department of State; the UK Home Office; the World Bank; International Monetary Fund; human rights organisations, including Human Rights Watch and Amnesty International; Sri Lankan non-governmental organisations; and local and international media. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report on Sri Lanka published on 23 December 2021.

## 2. BACKGROUND INFORMATION

### COUNTRY OVERVIEW

2.1 Sri Lanka (formerly Ceylon) achieved independence from the United Kingdom in 1948. Tamils, the largest ethnic minority, received preferential treatment during British rule. Following independence, successive governments promulgated measures promoting the primacy of the majority Sinhalese community. Sinhalese nationalism – including episodes of anti-Tamil riots – and a sense of second-class status gave rise to a Tamil separatist movement, which sought to carve out an independent state ('Tamil Eelam') in the Tamil-majority north-east of Sri Lanka.

2.2 Several militant groups emerged to advance the cause of Tamil statehood. The most prominent group, the Liberation Tigers of Tamil Eelam (LTTE, the 'Tamil Tigers') formed in 1976 and launched a guerrilla war in 1983. Known for its use of forced recruitment and suicide bombers, the LTTE maintained de facto control of Tamil-populated areas. A 2002 ceasefire reduced the intensity of fighting between state forces and the LTTE; however, failed to yield a political settlement and collapsed in 2005. State forces retook eastern Sri Lanka in July 2007 and, in January 2008, launched a major offensive to capture the remaining LTTE-controlled territory in the north. This culminated in the elimination of the LTTE's senior ranks, including its leader, Velupillai Prabhakaran. The LTTE surrendered in May 2009. The United Nations (UN) and human rights organisations documented serious human rights violations in the final stage of the war, during Mahinda Rajapaksa's Presidency (2005 to 2015), when up to 40,000 civilians may have been killed. In total, approximately 100,000 people are estimated to have been killed, and over 900,000 displaced, during Sri Lanka's civil war.

2.3 Maithripala Sirisena defeated Mahinda Rajapaksa in a presidential election in January 2015. In November 2019, Gotabaya Rajapaksa – Secretary of the Ministry of Defence during the defeat of the LTTE and younger brother of Mahinda – was elected president. Gotabaya promised to strengthen national security following terrorist attacks by local Muslim extremists in April 2019, enact tax cuts to stimulate the economy, and strengthen the unitary state. He also appointed three of his brothers to ministerial positions, including Mahinda as prime minister. The return of the Rajapaksas – considered heroes by many Sinhalese for overseeing the LTTE's defeat – saw greater centralisation of power in the executive branch, active efforts to undermine the reconciliation process and loose fiscal policy.

2.4 In 2022, Sri Lanka experienced the worst economic crisis in its history, resulting in shortages of essential items, lengthy blackouts and hyperinflation, and, with it, major social and political unrest. The Rajapaksas' perceived economic mismanagement triggered mass protests, known as the Aragalaya ('struggle'). Mahinda resigned in May 2022 and was replaced by five-time former Prime Minister Ranil Wickremesinghe; Gotabaya, having fled the country, followed suit in July. In the same month, parliament elected Wickremesinghe president with a mandate to restore order and stabilise the economy. Upon election, Wickremesinghe acknowledged Sri Lanka's ethnic and religious diversity, and the importance of finding solutions to the issues facing the Tamil community, including with respect to land and economic development. These efforts were ongoing at the time of publication, although progress was limited.

## DEMOGRAPHY

2.5 Sri Lanka has a population of 22 million. Approximately 30 per cent live in the Western Province, including Colombo (the commercial and political capital) and Sri Jayewardenepura Kotte (the legislative capital). Other important urban centres include Kandy (Central Province); Galle (Southern Province); Trincomalee and Batticaloa in the Eastern Province; and Jaffna and Kilinochchi in the Northern Province.

2.6 According to the most recent census (2012), ethnic Sinhalese comprise 74.9 per cent of the population, [Tamils](#) 15.3 per cent and [Muslims](#) 9.3 per cent (in Sri Lanka, Muslims, also known as ‘Moors,’ are considered both an ethnic and religious group). Other ethnic groups (Burgher, Malay, Sri Lanka Chetty, Bharatha) make up the balance (collectively, 0.5 per cent of the population). Over one-quarter of the Tamil population – and 4.1 per cent of Sri Lanka’s total population – are of Indian origin (known as ‘Plantation Tamils’, ‘Hill Country Tamils’ or ‘Up-Country Tamils’). Approximately 80 per cent of Sri Lankans live in rural communities.

2.7 Sri Lanka is undergoing a demographic transition to an ageing society due to declining fertility rates (2.1 children per woman) and increasing life expectancy. The United Nations Population Fund (UNFPA) projects one in five Sri Lankans will be older than 60 by 2030. The current median age is 33.7 years.

2.8 The Sinhalese and Tamil languages have official status, with Tamil used mostly in the north-east. English is widely spoken in government and urban areas.

## ECONOMIC OVERVIEW

2.9 The World Bank classifies Sri Lanka as a lower middle-income country, downgraded from upper middle-income in 2020. Gross Domestic Product (GDP) per capita was USD4,000 (approximately AUD6,000) in 2021. The Western Province is the most prosperous – the Colombo Metropolitan Region generates half of Sri Lanka’s GDP. The services and manufacturing sectors contribute over 90 per cent of total GDP and employ, respectively, 46 and 30 per cent of the labour force. The agriculture sector employs 24 per cent of the labour force and accounts for 8 per cent of GDP. Tourism and remittances are important sources of national income. Although the tourism industry collapsed due to the impact of the COVID-19 pandemic, foreign arrivals have since returned to pre-pandemic levels. Remittances were the equivalent of 6.2 per cent of GDP in 2021, and their value is expected to rise as more Sri Lankans emigrate in search of economic opportunities.

2.10 Sri Lanka’s overall unemployment rate was 5.3 per cent in 2022, although was 26 per cent among those aged 15 to 24. [Regional variations](#) in unemployment also exist. The World Bank estimates 500,000 people may have lost their jobs due to Sri Lanka’s [economic crisis](#). Nearly 60 per cent of the labour force was employed in the informal economy in 2021, many of whom lack legal protections and entitlements, including job-linked social benefits.

2.11 Poverty levels have increased significantly since 2020, and inflation and income losses associated with the [economy’s collapse](#) in 2022 have deepened Sri Lankans’ economic vulnerability. The World Bank estimates 10 per cent of the population live close to the poverty line.

2.12 According to the World Bank, the poverty rate nearly doubled in 2022 compared to the prior year, to 25.6 per cent, increasing the number of poor by 2.5 million. The World Bank projects poverty levels will remain above 25 per cent in coming years.

## Economic collapse

2.13 Sri Lanka fell into deep economic crisis in early 2022. Contributory factors included: extensive foreign debt service obligations; low revenue collection (Sri Lanka had one of the lowest tax-to-GDP ratios in the world); a severe contraction in tourism following terrorist attacks in April 2019 and COVID-19 pandemic border closures; a pandemic-induced decline in remittances; rising energy and food prices caused by Russia's invasion of Ukraine; and the government's April 2021 decision to ban imports of chemical fertiliser. Sri Lanka's sovereign credit rating was downgraded in 2020, on the basis that cuts to income and value-added tax would hamper the government's ability to repay its debts. Having lost access to international capital markets, the government relied on foreign exchange reserves to service its external debt obligations and pay for essential imports, leading to a precipitous drop in reserves. According to the government, it had USD25 million in usable foreign reserves in June 2022, down from USD7.5 billion in November 2019.

2.14 Lacking foreign currency to pay for imports, Sri Lanka experienced severe shortages of necessities, including fuel, cooking gas, electricity and medicine, and experienced power cuts of up to 13 hours a day. These shortages and a collapsing currency drove record levels of inflation (70 per cent in September 2022, higher for food and fuel), making essential items, if available, out of reach for many Sri Lankans. In May 2022, Sri Lanka ran out of petrol and the government reported the economy 'completely collapsed'. Sri Lanka also defaulted on its sovereign debt for the first time and sought assistance from the International Monetary Fund (IMF). The IMF approved a four-year, USD2.9 billion rescue package in March 2023. As a condition of the IMF's support and those of its foreign creditors, Sri Lanka is implementing structural reforms and fiscal austerity measures, including raising taxes and reducing spending.

2.15 The economic crisis caused significant humanitarian hardship, deepened poverty and created a cohort of newly poor. In March 2023, 5.7 million people needed humanitarian assistance. According to World Bank estimates, 75 per cent of households experienced contractions in income due to livelihood disruptions and diminished opportunities for income generation. In parallel, inflation eroded peoples' purchasing power, creating unprecedented cost-of-living pressures.

2.16 Food inflation reached 93.7 per cent in August 2022, making basic food items prohibitively expensive for low-income earners. The Food Security Information Network categorised Sri Lanka as being in a major food crisis for the first time in 2022. In January 2023, the World Food Programme (WFP) found 30 per cent of Sri Lankans were food insecure, with 60 per cent of households reducing their food consumption, eating cheaper and less nutritious food or skipping meals altogether. Households in Uva (47 per cent) and Sabaragamuwa (39 per cent) provinces recorded the highest levels of food insecurity in January 2023, with the Western Province (23 per cent) the lowest. As of August 2023, nearly half of all children were undernourished, with one in five suffering from wasting. According to in-country sources, some households withdrew children from school, migrated to other locations in search of employment, sold houses or land, pawned belongings and/or ran down savings as coping strategies.

2.17 In-country sources told DFAT the economic situation had stabilised since 2022 and reported: essential items were available; inflation was in single digits; the rupee had appreciated; and power cuts had ended. With recoveries in exports, tourism and remittances, foreign exchange reserves have increased, and the government's deal with the IMF has unlocked additional funding from the World Bank and other multilateral lenders. Nevertheless, cost-of-living pressures remain pronounced, particularly for low-income households, and general living standards have declined. Austerity measures were aggravating these pressures, for example, electricity prices had increased more than 140 per cent since August 2022. According to the Ceylon Electricity Board, over 500,000 customers had been disconnected from the power grid after failing to pay their bills. While the acute crisis was over, economic conditions remained challenging and the recovery process will likely be long. According to the World Bank, Sri Lanka's economy contracted by 2.3 per

cent in 2023, and as at April 2024 was projected to return moderate growth (2.2 per cent) in 2024, showing signs of stabilisation following severe economic downturn in 2022.

2.18 In-country sources reported that outward migration held growing appeal for Sri Lankans across all communities and socioeconomic classes. According to official statistics, over 600,000 Sri Lankans left for foreign employment via legal pathways in 2022 and 2023, amid economic instability and diminished living standards. Most are low- and semi-skilled workers who have moved to the Middle East; however, they also include significant, growing numbers of skilled professionals, including doctors, nurses, IT engineers and academics (see also [Health](#) and [Education](#)). In-country sources reported that 2,000 public servants had also left Sri Lanka in the first six months of 2023. The government incentivised people to temporarily move abroad to increase remittances, although subsequently reversed such policies amid growing concern about 'brain drain'. In-country sources reported that the brain drain posed risk to Sri Lanka's future growth potential. In-country sources told DFAT that, regardless of ethnicity, economic conditions were the primary concern of Sri Lankans and the main reason people wanted to leave the country.

2.19 DFAT assesses that economic conditions have deteriorated since the 2021 publication of this report, and are the main push factor for emigration across Sri Lanka.

## Economic conditions in the north and east

2.20 Agriculture and fishing predominate in the largely rural economies of the north and east; in Jaffna, agriculture accounts for over 60 per cent of people's livelihoods. Economic conditions have improved in the post-war period, albeit from a low base, and these provinces remain less developed than the rest of the country. Unemployment is higher than the national average, and household incomes lower; Mullaitivu and Kilinochchi districts in the Northern Province are the poorest in Sri Lanka (57 per cent of the population in Mullaitivu District live in poverty). Many households rely on remittances from relatives in the diaspora to meet living costs.

2.21 The impacts of the economic crisis were keenly felt in the north-east, including in the form of shortages of essential items and lengthy power outages (sometimes only four hours of electricity a day). In-country sources reported these pressures had subsided, although cost-of-living and austerity measures continued to weigh heavily on households. As one manifestation of these pressures, in the first half of 2022, 246 children were handed over by their parents to child development centres in the Northern Province, a significant increase from 158 in 2021. Fuel and food prices remained elevated in June 2023, and in-country sources reported accounts of people skipping meals. According to in-country sources, businesses in the north-east were not investing, and the construction sector had contracted, reducing opportunities for daily wage work. Some in-country Tamil sources told DFAT the economy, not human rights, was Tamils' core concern today.

2.22 In-country sources reported that community-level resilience built during and after the civil war had helped mitigate the full impact of the economic crisis to some extent, as people were used to hardship. Unlike in the south, shortages were not new, and community-based collectives and other forms of locally led economic safety nets were more established. Remittances from the Tamil diaspora also helped cushion the impact, particularly in Jaffna. Agriculture for self-consumption provided another safety net. A WFP household survey conducted in January 2023 found 26 per cent of Northern Province households were food insecure, compared to 35 per cent in the Eastern Province.

2.23 The [military](#), with no active defence role since May 2009, was economically active in the north-east. The military was primarily engaged in farming, but operated in other sectors, too, including construction and hospitality, and reportedly ran pre-schools. In-country sources said the military's economic activities were distorting local markets and displacing the regular economy, depriving civilians of employment opportunities

and eroding community trust. According to in-country Tamil sources, the military employed former LTTE members, primarily women, on its farms. UN special procedures have consistently called on the government to end the military's involvement in the economy.

2.24 In-country sources told DFAT there were high levels of indebtedness in the north-east, fuelled by uptake of high interest loans from microfinance companies. Microfinance companies have been highly active in these regions in the post-war period, particularly since 2014, often lending at exorbitant interest rates and targeting vulnerable households, including female-headed households. In-country sources described the practices of some microfinance companies as 'unscrupulous' and 'debt traps'. The Sirisena Government imposed a 35 per cent cap on microfinance loans and provided relief to some borrowers, and the current government plans to introduce a Credit Regulatory Authority Bill to better control the industry. Registered microfinance companies operate legally; the *Microfinance Act* (2016) regulates their operations. In-country sources attributed many suicides in Jaffna to an inability to repay debts.

2.25 DFAT assesses that Sri Lanka's economic crisis has aggravated already-challenging economic conditions in the north-east, which are the primary driver for migration – internal and external, legal and illegal – from these regions.

## Loan sharks

2.26 'Loan sharks' (informal, unlicensed money lenders) are known to operate in Sri Lanka, including in Colombo and Jaffna. In-country sources could not speak to their prevalence. Less reputable microfinance companies lending with high interest rates were often equated with loan sharks (see [Economic conditions in the north and east](#)).

2.27 In-country sources told DFAT that informal, high interest loans were easy to obtain in Jaffna, and illegal money lending had increased in recent years. In-country sources said that informal money lenders operated in villages, however the 'predatory practices' of microfinance companies were a bigger concern. People unable to access formal banking facilities, those with no or poor credit histories, and people in urgent need of cash were most likely to seek loans from informal lenders.

2.28 In-country sources reported that loan sharks employed gangs to help with debt recovery in the north, and said violence was used in some instances. In Colombo, loan sharks have required a surety (for example, property deeds, vehicles, gold or jewellery) and family details in the event of default. Loan sharks were reported to maintain strong regional networks, capable of locating absconders.

2.29 In-country sources told DFAT that, while it was theoretically possible for victims of loan sharks to seek state protection, this was difficult in practice, as loan sharks and gangs were powerful and could influence the police. Some local media outlets have reported that loan sharks also have links to politicians.

## Welfare

2.30 Government-administered social welfare programs provide cash transfers, food assistance and access to education for low-income groups. Payments under the principal social welfare program, 'Aswesuma,' range from LKR2,500 (AUD12) to LKR15,000 (AUD70) per month, depending on the recipients' social category (transitional, vulnerable, poor, severely poor). Aswesuma commenced in July 2023, replacing an earlier program known as 'Samurdhi.' In September 2023, Cabinet agreed to extend the Samurdhi allowance to over 393,000 families that previously received Samurdhi but did not qualify for Aswesuma, pending an appeal against the selection process. Other cash transfer programs include Senior Citizens' Allowance (for people aged over 70); Disability Benefit; and Chronic Kidney Disease Benefit. In-country

sources said these payments were modest. Sri Lanka lacks welfare programs for the unemployed and those working in the informal economy.

2.31 The government expanded social welfare through several one-off payments to low-income households, the elderly and others to cushion the economic impact of COVID-19 pandemic lockdowns, and also expanded cash transfers and provided separate top-ups to offset inflationary pressures during the [economic crisis](#) in 2022.

2.32 An absence of up-to-date records, compounded by administrative inefficiencies, mean government welfare often does not reach those who need it, including the newly poor. According to the World Bank, over 50 per cent of Sri Lankans living in poverty are not covered by government welfare programs. There were also reports of political favouritism in the allocation of welfare benefits. Samurdhi was highly politicised, and reports indicated many poor people did not receive payments unless they worked on election campaigns. Concerns were raised around beneficiary selection for the first phases of Aswesuma.

2.33 The IMF's March 2023 bailout program for Sri Lanka included measures to expand welfare. In June 2023, the World Bank approved USD200 million in welfare support as part of a broader USD700 million grant for Sri Lanka, designed to help it better target welfare support and eliminate inefficiencies.

## Health

2.34 The public health system is free for all Sri Lankan citizens and medicines can be accessed free of charge from government-run hospitals in all provinces. Private healthcare is available and of high quality, particularly in Colombo; however, it is prohibitively expensive for most Sri Lankans. Regional disparities exist in the quality of care and facilities, particularly between urban and rural areas. Colombo has the best health services and outcomes in the country. Health services in the north-east have improved in the post-war period; however, they remain of a lower standard to the rest of the country. Private healthcare facilities are also available in the north-east, although financially prohibitive for most.

2.35 Sri Lankans have a life expectancy of 78 (81 for women, 74 for men). Historically, Sri Lanka has a strong record in maternal and child health – between 2014 and 2020, 100 per cent of births were attended by skilled personnel. Sri Lanka has reasonably good programs for the prevention, screening and treatment of cancer, although these tend to be located in larger population centres.

2.36 In-country sources told DFAT that alcohol and drug abuse was a growing problem, and that heroin, cannabis and crystal methamphetamine were the most frequently used drugs. Alcohol and drug abuse had reportedly increased over the last three years, coinciding with economic pressures. Some drug and alcohol counselling services were available, accessible through government-run hospitals and the NGO sector. The military runs [rehabilitation centres](#) for drug offenders. According to local media reporting, nearly 1,900 people were sent for rehabilitation between 17 December 2023 and 17 January 2024 under a countrywide crackdown on the drug trade known as [Yukthiya](#) ('justice'). International observers have reported that Sri Lanka takes an overly punitive, security-based approach to drug users.

2.37 At the time of publication, according to official statistics, Sri Lanka had recorded over 672,000 cases of COVID-19 and nearly 17,000 deaths. COVID-19 vaccination rates are high: around 15 million people were double-vaccinated, and 8.5 million had received boosters.

2.38 As with every sector in Sri Lankan society, the [economic crisis](#) placed unprecedented pressure on the healthcare system. Sri Lanka, which imports most of its medical supplies, had to limit imports as foreign exchange reserves ran low, resulting in severe shortages of medicine and equipment. According to the UN High Commissioner for Human Rights, by the end of May 2022, almost 200 medical items were in shortage,

including 76 types of drugs for life-threatening illnesses and essential surgical equipment. There were also shortages of basic medications like paracetamol and vitamin C, as well as anti-rabies vaccines.

2.39 Medical shortages have since eased considerably. In-country sources estimated that, as of June 2023, 90 per cent of medications were available in the public system in the Northern Province, and expected the situation to return to normal by the end of that year. Where unavailable in the public system, medications were available for purchase at private pharmacies, although inflation and associated cost-of-living pressures impacted affordability for some people (insulin and medication to treat heart disease were reported to be particularly expensive). Medication for diabetes, cholesterol, high blood pressure and influenza were widely available and accessible at the time of publication.

2.40 In 2021, there were 1.2 physicians for every 1,000 people in Sri Lanka; however, this ratio decreased amid significant, ongoing outward migration of health professionals. In the year to May 2023, 850 doctors and 274 specialists emigrated. The Ministry of Health forecasted that Sri Lanka required 4,299 specialists for 2024; in June 2023, it had 2,007, with 750 specialist vacancies unfilled – including cardiologists, microbiologists, dermatologists, emergency physicians, anaesthetists and pathologists. Fifteen per cent of positions at the Jaffna Teaching Hospital (the largest public hospital in the Northern Province) were vacant in June 2023, including as a result of outward migration. These pressures were reported to be most acute in rural areas, as medical professionals had been transferred to cities to fill staffing gaps. In country sources reported that because many Sri Lankans could not afford long-distance travel for care, more rural patients were going untreated.

2.41 DFAT assesses there is no discrimination on the basis of ethnicity or religion in accessing healthcare in Sri Lanka. DFAT assesses that acute pressures on the health system created by the economic crisis have abated and shortages of medical items have eased; however, outward migration of medical professionals is impacting the overall capacity of the health system, particularly in rural areas, negatively affecting access to health services.

## Mental health

2.42 In-country sources described mental health needs across Sri Lanka as significant, particularly in the war-affected north-east. The prevalence of mental illness increased following the COVID-19 pandemic and [economic crisis](#). According to a June 2022 Save the Children survey, over one-quarter of respondents reported somebody in their household showed signs of reduced mental health and psychosocial wellbeing due to pressures associated with the economy's collapse. In-country sources reported that schizophrenia and depression were the most prevalent forms of mental illness, and that war-related post-traumatic stress disorder was very high in [Tamil](#) areas. Suicide rates have also increased since the economic crisis, including in the north-east. According to official statistics, 175 people committed suicide in Jaffna in 2022, with a further 54 suicides (and 50 attempted suicides) reported between January and 1 April 2023. Suicide carries some social stigma; however, in-country sources reported that families generally received sympathy and support from their communities.

2.43 Mental health services are available in Sri Lanka. Government-run hospitals have mental health units, and medication to treat mental illness is provided free of charge through the public system. The Ministry of Health operates a dedicated mental health hospital – the National Institute of Mental Health (NIMH) – in Colombo. The NIMH treats 8,000 patients annually for a range of mental health issues and provides 24-hour emergency care and out-patient facilities.

2.44 Mental health services are also available through private hospitals and clinics, although the cost is prohibitive for the average Sri Lankan. NGOs such as the Colombo-based National Council for Mental Health deliver mental health and addiction services, including counselling and short- to medium-term in-patient

care. Several mental health helplines are available, including for suicide prevention and a 24/7, toll-free national helpline managed by the NIMH (also accessible through text message).

2.45 Mental health services are available in the north-east, albeit not as extensively, and consultant psychiatrists are accessible through the public health system. The Office on Missing Persons (OMP) and Office for Reparations (OfR), established by the government in accordance with UN Human Rights Council (HRC) [Resolution 30/1](#), provide psychosocial support services to war-affected communities, although in-country Tamil sources were highly dismissive. There has been a high uptake of psychosocial support services provided by the International Committee of the Red Cross (ICRC) for the families of [missing persons](#). In-country sources acknowledged improvements in mental health support in the north-east; however, they said they were insufficient and the system was 'overloaded'.

2.46 In-country sources said mental illness continued to carry social stigma in Sri Lanka, particularly in rural areas, although also reported some positive shifts in community attitudes and said people were becoming more willing to talk about mental health. However, negative community attitudes persist and can deter people from being open about their mental health and seeking treatment. People living with mental illness can experience social isolation and bullying, and can find it difficult to obtain employment and marry. As a result, in-country sources told DFAT it was common for people to try to hide their mental illness and avoid treatment, unless necessary. In the case of the north, in-country sources reported that ongoing lack of awareness about the availability of mental health services was another barrier to treatment.

2.47 DFAT assesses that access to mental health services is available to all Sri Lankans; however, the quality, availability and accessibility of services varies widely, and remains inadequate in the north-east. DFAT assesses that, while social stigma attached to mental illness is not as acute and widespread as it once was, particularly in Colombo and other major urban centres, it continues to deter many people from seeking necessary support.

## Education

2.48 The government provides free education from the primary to undergraduate tertiary level. Education is compulsory up to the age of 16. Sri Lanka has achieved near-universal enrolment at the primary and lower secondary school levels. Over 92 per cent of the population aged 15 and above is literate.

2.49 Education is provided in Sinhala or [Tamil](#), and all students study English from grade one. A lack of Tamil-speaking teachers hinders access to Tamil language education outside of Tamil-majority areas. There are limited numbers of Sinhala- and English-speaking teachers in the north-east, which can affect future education and employment options for students from these areas. [Muslims](#) can choose to attend private Islamic schools (madrasahs, a term which may also refer to weekend schools) or attend state schools and study Islamic rather than Buddhist studies.

2.50 The COVID-19 pandemic and the [economic crisis](#) severely disrupted access to education. Sri Lanka experienced some of the longest pandemic-related school closures in the world, which had a particularly negative impact on students in less developed parts of the country where remote learning was less feasible. School attendance fell during the economic crisis in 2022, and some schools closed altogether due to resource shortages. As part of a UNICEF survey conducted between October and November 2022, almost 60 per cent of households reported their child missed school at least once due to a lack of fuel and transport; 17 per cent of households reported their child missed school most days of the week, or were unable to attend school for more than two weeks at a time. According to in-country sources, school dropouts among the 14 to 16 age group increased significantly in the Northern Province in 2022, with children (mostly boys) leaving to help their families in farming or fishing. Inflationary pressures and loss of incomes continue to challenge the ability of poor families to access education. In-country sources said rising cost-of-living

pressures made it unaffordable for some households to send their children to school. According to in-country sources, 2,000 university lecturers emigrated between January 2022 and August 2023, leaving almost half of the country's academic posts vacant.

2.51 DFAT assesses that Sri Lankans can access education without discrimination, including on ethnic or religious grounds. The COVID-19 pandemic and the economic crisis have resulted in some learning loss, particularly for children from poor households. The outward migration of academics has placed downward pressure on tertiary education services.

## POLITICAL SYSTEM

2.52 Sri Lanka is a multi-party democracy with a mixed parliamentary and presidential form of government. The president is directly elected for a five-year term (two terms maximum) and is head of state, head of government and commander-in-chief of the armed forces. The prime minister is appointed by the president; they must be a member of parliament (MP). Parliament is unicameral, comprising 225 members; 196 are directly elected. MPs serve five-year terms. The next presidential and parliamentary elections are due no later than 2024 and 2025, respectively.

2.53 In October 2022, parliament adopted the 21<sup>st</sup> amendment to the constitution, designed to reduce presidential powers – a key demand of the *Aragalaya* movement. The 21<sup>st</sup> amendment reintroduced most checks on presidential power abolished by the 20<sup>th</sup> amendment (adopted by parliament in October 2020). Most significantly, the 21<sup>st</sup> amendment restored the Constitutional Council, which recommends to the president – and must approve the president's appointments to – superior courts and independent bodies such as the Election Commission, National Police Commission, Human Rights Commission and the Commission to Investigate Allegations of Bribery or Corruption (under the 20<sup>th</sup> amendment, these appointments were made at the president's discretion). The 10-member Constitutional Council is chaired by the speaker of parliament; other members include the prime minister, the leader of the opposition, MPs from the ruling, opposition and smaller parties, and three non-political representatives from civil society chosen jointly by the prime minister and opposition leader.

2.54 Administratively, Sri Lanka is divided into nine provinces (Central; Eastern; North Central; Northern; North Western; Sabaragamuwa; Southern; Uva; Western) and 25 districts. Each province has a Provincial Council, comprising directly elected members and led by a chief minister for five-year terms, as well as a governor appointed by the president to represent the central government. Provincial Council elections were last held in 2014 and have been repeatedly delayed since (Provincial Councils have been defunct since their terms expired in 2018). Districts are administered by a District Secretariat headed by a District Secretary appointed by the central government. Districts, in turn, are divided into sub-units administered by a Divisional Secretariat (there are currently 331 divisional secretariats in Sri Lanka). *Grama niladhari* (village-level government offices) are sub-units of divisional secretariats, and the first point of contact with the state for most Sri Lankans (there are over 14,000 *grama niladhari* across the country).

2.55 Local elections (to elect members of municipal, divisional and urban councils) were last held in 2018 and returned a majority for the Rajapaksa-led Sri Lanka Podujana Peramuna (SLPP, or 'Sri Lanka People's Front'). Local council members serve four-year terms. Local elections, due in March 2023 after being legally extended from March 2022, were postponed indefinitely by the Wickremesinghe Government, citing a lack of funds. A new date had not been confirmed at the time of publication.

2.56 Elections in Sri Lanka are generally free and fair, with peaceful transfers of power. The Economist Intelligence Unit characterises Sri Lanka as a flawed democracy, ranking it 70 out of 167 countries in its 2023 democracy index (see also Political Opinion).

## Reconciliation

2.57 The report of the Office of the UN High Commissioner for Human Rights (OHCHR) Investigation on Sri Lanka (OISL), released in September 2015, found state and LTTE forces likely committed grave violations, possibly amounting to war crimes and crimes against humanity, between 2002 and 2011. The Sirisena Government committed to implement a range of transitional justice, reconciliation and accountability measures under UN Human Rights Council (HRC) Resolution 30/1 adopted by the HRC in October 2015. These included the formation of an Office on Missing Persons (OMP); an Office for Reparations (OfR); a Truth, Justice, Reconciliation and Non-Recurrence Commission; and a Judicial Mechanism with a special counsel to investigate allegations of violations of human rights and international humanitarian law during the war.

2.58 Of its HRC commitments, only the OMP (September 2017) and OfR (October 2018) had been stood up at the time of publication. In March 2020, the Gotabaya Rajapaksa Government withdrew Sri Lanka's support for HRC Resolution 30/1, stating it would pursue reconciliation and accountability through a 'domestically designed and executed' process instead. The Wickremesinghe Government maintains this position and, in May 2023, committed to establish a Truth and Reconciliation Commission based on the South Africa model (enabling legislation was tabled in January 2024). A judicial mechanism to investigate and prosecute war-era crimes was not under active consideration at the time of publication.

2.59 The OMP has made limited progress in clarifying the fate of [missing persons](#) and issuing certificates of absence to family members. A certificate of absence is a legally valid document confirming that a person is missing and, pending confirmation of their final status, entitles next of kin to certain legal rights (e.g. access to bank accounts and property deeds) and interim relief. DFAT understands interim relief has not been paid since 2021. According to the government, as of July 2023, the OMP had issued 1,313 certificates of absence. The OMP provides a one-off payment of LKR200,000 (approximately AUD930) to the families of missing persons. In-country sources described the payment as modest, and reported most families had refused to accept it. In April 2022, one of the OMP's Commissioners accused it of not acting independently and resigned.

2.60 The OfR has a mandate to provide monetary compensation (including restitution of land rights) and housing, livelihood and [psychosocial support](#). The OfR reports to have provided some form of assistance to 130,000 families in the north-east. According to the government, in 2022, the OfR disbursed LKR405 million (approximately AUD1.9 million) across 2,400 claims relating to death, injury, missing persons and damaged property from the war. Like the OMP, most cases before the OfR were still to be processed at the time of publication.

2.61 In-country sources told DFAT that the independence and credibility of the OMP and OfR had been severely circumscribed during the presidency of Gotabaya Rajapaksa, including, in case of the OMP, through the appointment of a chair not deemed independent of government and a commissioner implicated in historical violations. In-country Tamil sources reported that they did not consider these mechanisms legitimate, and were highly cynical of the current government's reconciliation agenda.

2.62 There continues to be a lack of accountability for alleged war-era human rights violations, including high-profile murders and disappearances ('emblematic cases'). During Gotabaya Rajapaksa's Presidency, cases against several accused war criminals were withdrawn by the Attorney General. In parallel, some individuals credibly accused or convicted of serious war-era violations were acquitted on appeal or received presidential pardons. In September 2023, the UN High Commissioner for Human Rights said Sri Lanka 'suffers from an extraordinary accountability deficit' and identified a 'lack of accountability at all levels' as 'the fundamental human rights problem' in the country today.

2.63 Progress on transitional justice and reconciliation has been slow. International observers have reported that meaningful progress on accountability for war-era violations, including prosecutions, is unlikely in the near-term.

## Corruption

2.64 Corruption in Sri Lanka is widespread and occurs at all levels of government. Transparency International ranked Sri Lanka 115 out of 180 countries in its 2023 Corruption Perceptions Index (where 180 is perceived as most corrupt). The IMF, as part of a governance diagnostic assessment on Sri Lanka released in September 2023, reported ‘systematic and severe governance weaknesses and corruption vulnerabilities across state functions’, including in public expenditure and procurement and the management of state-owned enterprises. According to Transparency International’s most recent Global Corruption Barometer (2020), 79 per cent of Sri Lankans considered government corruption a big problem, with 16 per cent reporting they paid a bribe to receive a public service in the previous 12 months. In-country sources reported it was common for police officers to accept bribes, including with respect to non-issuance of traffic fines, and for parents to use financial inducements to have their children accepted into good schools. The US Department of State has also reported that bribes have been solicited from international companies as part of customs clearance and government procurement processes. Several sitting MPs are subject to corruption allegations.

2.65 Criminal penalties apply for corruption by officials, although these are not enforced consistently. In June 2022, Prasanna Ranatunga, Minister of Urban Development and Housing and Chief Government Whip in parliament, was fined and given a suspended prison sentence for soliciting a bribe from a businessman while Chief Minister of the Western Province in 2015. The UN High Commissioner for Human Rights noted several cases of alleged corruption between 2020 and 2022 were discontinued following withdrawal of charges or indictments on technical grounds by the Attorney General or the Commission to Investigate Allegations of Bribery or Corruption (CIABOC). Like the Office of the Attorney General, CIABOC’s independence during the presidency of Gotabaya Rajapaksa was questioned. The IMF, in its September 2023 assessment, found CIABOC, like other accountability institutions, had ‘neither the authority nor competency’ to fulfil its functions.

2.66 In accordance with IMF support requirements, in July 2023, parliament passed a new anti-corruption law, which gave effect to Sri Lanka’s obligations under the UN Convention Against Corruption (ratified in 2004). Among other provisions, the new law strengthens the powers of CIABOC and expands its remit from the public sector to include private sector and sporting officials. It enables CIABOC to conduct joint investigations with local and foreign law enforcement agencies, requires all electoral candidates to make public asset declarations and makes sexual bribery solicitation a specific corruption offence. CIABOC also contains whistleblower protections. Parliament is in the process of enacting separate legislation on asset recovery and government procurement. The government plans to introduce an Inspector-General system to monitor public expenditure against corruption and fraud. In-country sources reported they welcomed efforts to strengthen the legislative framework against corruption and improve Sri Lanka’s public financial management, although stated the challenge would be in implementation.

## HUMAN RIGHTS FRAMEWORK

2.67 Sri Lanka’s Constitution guarantees many internationally recognised human rights (recognised in the constitution as ‘fundamental rights’). These include freedom of thought, conscience and religion; freedom from torture; freedom from arbitrary arrest, detention and punishment; freedom of speech, assembly and

association; and the right to equality, including equality before the law. The constitution also stipulates that, as a fundamental right, no citizen can be discriminated against on the grounds of race, religion, language, caste, sex, political opinion or place of birth. Article 17 of the constitution provides the right for any person to petition the Supreme Court for a remedy where their fundamental right has been infringed by executive or administrative action. Fundamental rights petitions are common, often resulting in positive outcomes for the petitioner.

2.68 Sri Lanka is a party to all core international human rights instruments (for a full list, see the [OHCHR website](#)). Sri Lanka is not party to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the [death penalty](#); however, it observes a de facto moratorium on the implementation of the death penalty – its last execution was in 1976.

## SECURITY SITUATION

2.69 The security situation in Sri Lanka has improved significantly since the end of the civil war in 2009. The state exercises control over the entire country, including Tamil-populated areas in the [north-east](#), where the [military](#) retains a large presence. The incidence of homicide has fallen sharply in recent years (currently 2.4 per 100,000 people).

2.70 On 21 April 2019 (Easter Sunday), local [Muslim](#) extremists carried out coordinated terrorist attacks against Christian churches and hotels in the Western (Colombo, Negombo) and Eastern (Batticaloa) provinces, killing 272 people. These were the first terrorist attacks in Sri Lanka since the war. The government reported that the groups responsible – National Thawheed Jammath and Jamaat-al Mullathu Ibrahim – have since been neutralised.

2.71 States of emergency have been in place for much of Sri Lanka's recent history, including throughout the civil war period (1983 to 2009), giving security forces broad powers to make arrests and search private properties without judicial oversight. Three states of emergency were imposed in 2022, in response to social and political unrest triggered by the [economy's collapse](#). All have since lapsed. The government mobilised the military and imposed a curfew in the Western Province during the most recent state of emergency (17 July to 18 August 2022). Earlier states of emergency connected to the [Aragalaya protests](#) included orders to shoot persons engaging in looting and 'causing harm to others', as well as nationwide curfews and restrictions to social media access.

2.72 Protests, which are common in Sri Lanka, generally pass without incident, although can sometimes turn violent. [Police](#) occasionally used force to disperse anti-government protests in 2022 and 2023, including protests connected to the [Aragalaya](#). The [Aragalaya](#) protests, which occurred between March and July 2022, were unprecedented in scale in Sri Lanka's modern history and culminated in the resignations of Prime Minister Mahinda Rajapaksa and President Gotabaya Rajapaksa (the latter fled the country). While largely peaceful, the [Aragalaya](#) protests featured episodes of violence and several deaths. In response to attacks by Rajapaksa supporters, anti-government protesters set fire to legislators' homes, burned the prime minister's residence to the ground, and breached the Presidential Palace, Presidential Secretariat and other government buildings. In some instances, security forces responded with live ammunition, water cannons and tear gas. In September 2022, the UN High Commissioner for Human Rights commended the security forces for exercising 'considerable restraint' over a prolonged period, although they and other UN human rights experts characterised some of their responses as excessive.

2.73 Criminal groups operate in Sri Lanka and are involved in the drug trade. Clashes between rival criminal groups increased in 2023, with more than 50 killings reported in the period January-October 2023. Organised criminal activity is most pronounced in the Western and Southern provinces. Some have attributed rising crime to the continuing circulation of weapons from the civil war period. In-country sources

told DFAT it was common for organised criminal figures to extort, blackmail or threaten businesspeople. The police have ramped up operations against criminal groups; in December 2023, the Minister of Public Security announced a special countrywide operation – *Yukthiya* ('justice') – against drug-related activities. According to local media reporting, around 40,600 people were arrested between 17 December 2023 and 17 January 2024 as part of the operation, with around 1,900 sent to military-run rehabilitation centres for drug offenders. Large quantities of narcotics were also seized. OHCHR stated the operation was 'heavy-handed' (see also [Health](#) and [Arbitrary arrest and detention](#)).

## Security situation in the north and east

2.74 The Northern Province remains heavily [militarised](#) 15 years after the end of the civil war, with one security personnel for every six civilians. The military's presence is most pronounced in and around those territories held by the [LTTE](#) immediately before its fall (Mannar, Mullaitivu, Vavuniya and Kilinochchi districts, also known as the Vanni or Wannu region). Most former LTTE members reside in these areas (Kilinochchi, for example, was the LTTE's administrative capital).

2.75 In Jaffna, the military maintains a High Security Zone (HSZ) in Palaly. The military also retains a significant presence in the Eastern Province, although in-country sources told DFAT its presence in the east was considerably smaller than in the north. Military personnel in the north-east are largely confined to their bases and roadside checkpoints; they did not have a visible street presence at the time of DFAT's visit. In-country sources reported that the military and police had strong intelligence and surveillance capabilities, and closely monitored for separatist activity and Muslim extremism. The LTTE was comprehensively defeated in 2009, and is no longer active. According to in-country sources, the military presence in the north-east had not materially reduced since the end of the war and was disproportionate to the security threat.

2.76 People can generally travel to, and within, the Northern and Eastern provinces freely. Most war-era security checkpoints were removed in 2015, although more recently established checkpoints (mostly established following the 2019 Easter Sunday bombings) remain for the stated purpose of controlling criminal activity. According to in-country sources, security checkpoints had been 'systematically reduced' since the war. DFAT counted five checkpoints between Jaffna and Batticaloa, a distance spanning approximately 350km. There are no checkpoints within Jaffna or Batticaloa, only on entry. Checkpoints were manned by the military, police or a combination of the two. Some in-country sources reported discriminatory treatment or harassment during security checks. Other in-country sources told DFAT that most people passed through checkpoints unimpeded.

2.77 The [military](#) is involved in some civilian activities, including drug law enforcement and the [economy](#), primarily in the Northern Province. The current government has undertaken to reduce the size of the military in coming years as part of broader cost-cutting efforts, although it was unclear at the time of publication how this would affect the military's presence in the north-east.

2.78 The military occupied large amounts of private- and state-held land in the north-east during and after the war to establish bases and associated buffer zones (known as HSZs). Access to HSZs is restricted on security grounds. Military occupation of land caused significant Tamil displacement, some of which remains ongoing (it is the primary impediment to return for those who remain [displaced](#) by the war). Most military-held land in the north-east has been released: according to official figures, the military has released and redistributed 90 per cent of previously occupied state land and 92 per cent of previously occupied private land since 2009. Efforts to release additional land is ongoing, although has slowed considerably since 2019. In-country sources told DFAT that land was released incrementally and in pockets; in some cases, while a village might be released, associated farming land or most direct access routes were not (they remained part of the HSZ). The government has committed to pay compensation to landowners where land cannot be

returned for national security reasons. In-country sources reported that land grabs in the north-east by military and non-military entities, often on archaeological and/or religious grounds, were a growing concern for the Tamil community (see also [Tamils](#)).

2.79 Criminal gangs operate in the north-east. In-country sources reported that criminal gangs were active in the drug trade, provided protection services for payment, and engaged in extortion, robbery and kidnapping for ransom. The most well-known entity, the Aava group, operates primarily in Jaffna. The Aava group's precise size is unknown, and some in-country Tamil sources reported that they questioned how organised its activities were. According to in-country Tamil sources, Aava group members could be hired to retrieve debts and settle other personal disputes. Aava group members also reportedly carry out random attacks in Jaffna. In-country sources reported a growing gang culture among Tamil youth.

2.80 In-country sources said that people facing violence, harassment or threats from criminal groups could report to, and seek protection from, the police; however, in practice, they were generally reluctant to do so. In-country sources reported this reluctance was owing to a fear of reprisals and community perceptions that criminal groups were connected to the police. In-country sources also said police action was not usually taken after a report was filed.

2.81 DFAT assesses that, like elsewhere in Sri Lanka, law and order prevails in the north and east. DFAT assesses that, while criminal gangs (including the Aava group) are active in these regions, they pose a low risk to the average person. DFAT assesses that victims of criminal gangs may seek state protection; however, state protection is not always effective in practice, and real or perceived fears of links between criminal gangs and the police deter some people from seeking protection.

## Former Tamil paramilitary groups

2.82 The *Thamir Makkal Viduthalai Pulikal* (TMVP, 'Liberation Tigers of the Tamil People' in English, also known as the Karuna Group) and the Eelam People's Democratic Party (EPDP) are former Tamil paramilitary groups which sided with the government during the civil war and fought alongside state forces against the LTTE. The [OISL](#) found the TMVP and EPDP committed unlawful killings and enforced disappearances of suspected LTTE members, attacked and kidnapped civilians, and recruited children during the war, reportedly in collusion with the state. The TMVP has also been accused of extorting Tamil businessmen. The TMVP and EPDP remain active, although they have disarmed and are now engaged in [politics](#). Both are represented in the current parliament and, in the case of the EPDP, the Wickremesinghe Ministry.

2.83 The TMVP operates in the east, mostly in Batticaloa. According to in-country sources, the TMVP had no formal presence in the north. The TMVP registered as a political party in 2007, winning a majority in Provincial Council elections in the Eastern Province in 2008 and some seats in local elections in 2018. Its founder, Vinayagamoorthy Muralitharan (otherwise known as Karuna Amman), was the LTTE's senior commander in the Eastern Province before defecting to the government in March 2004 (reportedly taking 4,000 fighters with him). He was an MP from 2008 to 2015, and served as Deputy Minister of National Integration during the presidency of Mahinda Rajapaksa. The TMVP holds one seat in the current parliament, occupied by the party's leader, Sivanethurai Chandrakanthan (also known as Pillayan). Chandrakanthan, previously Chief Minister of the Eastern Province (2008 to 2012), was appointed State Minister of Rural Road Development in April 2022.

2.84 The EPDP operates in the north, primarily in Jaffna. Formed in 1990, the EPDP entered politics in 1994. Its founder, Douglas Devananda, has represented the Jaffna District in parliament since 1994 and held multiple ministerial positions since 2000. Devananda is closely associated with the Rajapaksas. Devananda currently serves as Minister of Fisheries and is a member of a cabinet sub-committee on reconciliation

established by President Wickremesinghe. The EPDP is the joint second largest Tamil party in the current parliament, with two seats.

2.85 In-country Tamil sources told DFAT the TMVP and EPDP no longer posed a threat to former members of the LTTE and/or those Tamils who opposed them, including Tamils who had returned from seeking asylum abroad. Neither group maintains an armed wing: they have long ceased their paramilitary activities, and are very much part of the democratic political process. DFAT is not aware of recent reports of violence attributed to the TMVP or EPDP.

2.86 DFAT assesses that the TMVP and EPDP represent a low security risk in the north-east, and that Tamils face a low risk of harassment and violence from the TMVP and EPDP.

## People smuggling

2.87 People smuggling syndicates are active in Sri Lanka and capitalise on people's desire to emigrate. People smuggling from Sri Lanka may take the form of maritime or aviation ventures. In-country sources reported that Australia and Canada were favoured destinations.

2.88 The US Department of State's June 2023 Trafficking in Persons Report acknowledged the Sri Lankan Government was making significant efforts to address human trafficking and meet minimum standards, including through more prosecutions and establishment of a second shelter for trafficking victims. The Report also noted sentences for convicted traffickers were inadequate and did not provide sufficient deterrence, and expressed concern about credible reports of official complicity in human trafficking.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 The constitution prohibits discrimination on the grounds of race, religion, language, caste, sex, political opinion or place of birth. It provides that any citizen is free to promote their own culture and use their own language. These protections are generally observed in practice.

3.2 Most Sri Lankans are Sinhalese, [Tamil](#) or [Muslim](#) (see [Demography](#) for population composition by ethnicity). People tend to live within their own ethnic communities, although different ethnic groups live in close proximity and coexist peacefully with one another in major urban centres. Colombo, as the commercial capital, has attracted Tamils and Muslims from other parts of the country in large numbers in search of economic opportunities. Many Tamils and Muslims also moved to Colombo during the civil war, to escape fighting in the north-east. Tamils comprise most of the population in the Northern Province; the region's isolation during the war, and the expulsion of Muslims by the [LTTE](#) in 1990 (see [Internally Displaced Persons](#)), make it less diverse. The Eastern Province, in contrast, is mixed – at the time of the 2012 census (the most recent), Tamils comprised 39.2 per cent of its population, Muslims 36.9 per cent and Sinhalese 23.2 per cent.

3.3 DFAT assesses that most Sri Lankans face a low risk of official or societal discrimination on the basis of race or ethnicity, including in their ability to access education, employment and engage in politics. DFAT assesses that [Tamils](#) and [Muslims](#) face a higher risk of official harassment, in the form of state monitoring, relative to the Sinhalese population.

### Tamils

3.4 Tamils are a linguistically and culturally distinct ethnic group who trace their ancestry to the Tamil Nadu region of South India. Tamils in Sri Lanka can be broadly divided into two groups: (1) those whose ancestors migrated to what is now Sri Lanka as early as the 5<sup>th</sup> century BC (known as 'Sri Lankan Tamils', 'Ceylon Tamils' or 'Jaffna Tamils'); and (2) those whose ancestors migrated during the British colonial period to work on tea plantations (known as 'Plantation Tamils', 'Hill Country Tamils' or 'Up-Country Tamils'). The latter make up a quarter of the Tamil population; they are concentrated in the Central, Sabaragamuwa and Uva provinces. Tamils are the second largest ethnic group in Sri Lanka (15.3 per cent of the population according to the 2012 census). Most Tamils are [Hindu](#), although a sizeable proportion belong to the [Christian](#) faith. The Tamil language enjoys official status.

3.5 Tamils, including former militants, are [politically active](#). A range of parties promote Tamil interests, including as part of, but not limited to, a coalition known as the Tamil National Alliance (TNA), which, following 2020 parliamentary elections, held 10 seats in parliament. Other Tamil parties not belonging to the TNA are also represented in the current parliament, including parties representing Tamils of Indian origin. At the time of publication, there were two Tamils in the Wickremesinghe Ministry (Minister of Fisheries Douglas Devananda and Minister of Water Supply and Estate Infrastructure Development Jeevan Thondaman). The current Attorney-General (Sanjay Rajaratnam) is Tamil.

3.6 Political grievances between the Tamil minority and the Sinhalese majority led to civil war (1983-2009 – see [Country overview](#)). Tamils judge the Rajapaksas pursued policies hostile to the community, including actively undermining transitional justice and [reconciliation](#) processes and entrenching impunity for alleged serious human rights violations from the war era. President Wickremesinghe has taken a more conciliatory approach and committed to advancing reconciliation, including through the creation of a Truth and Reconciliation Commission and full implementation of the 13<sup>th</sup> amendment to the constitution (adopted in 1987, the 13<sup>th</sup> amendment established Provincial Councils with authority over a range of administrative functions, although these powers have not been fully devolved).

3.7 In-country Tamil sources told DFAT that Tamils continued to face human rights challenges, although the level of state harassment and mistreatment had decreased significantly since 2015. In-country sources said the level of state hostility toward Tamils had eased under the Wickremesinghe Government, and that Tamils did not feel as threatened. In-country Tamil sources reported the security presence at Tamil war commemorations had reduced since the change in government, although some commemorations were disrupted, and arrests made, in [November 2023](#).

3.8 Some Tamils report discrimination in government employment, although in-country sources attributed this to linguistic barriers (i.e. where Tamils did not speak Sinhala or English) rather than official policy. Despite government incentives, the number of Tamil-speaking [police](#) officers and [military](#) personnel, including in the north-east, remains small. While Tamils can access the [legal system](#) and other forms of state protection without discrimination, language can be a barrier in practice. Some Tamils may be [monitored](#) by the state, including for their past association with the [LTTE](#), advocacy on human rights issues and participation in protests for missing persons. More Tamils have been detained under the [Prevention of Terrorism Act](#) (PTA) than any other ethnic group, primarily during the war. Most have since been released.

3.9 Land grabs are a source of tension between the Tamil community and the state. In-country sources told DFAT that military land acquisitions in the north-east continued, but were now increasingly led by non-military entities like the archaeological, forestry and wildlife conservation departments. In-country sources identified the Department of Archaeology as particularly active in this regard – they reported that it frequently seized Tamil lands, including sacred Hindu sites, often in conjunction with Buddhist clergy and/or the military, ostensibly for preservation purposes. In some instances, Buddhist statues and structures have been constructed on seized lands. Tamils consider this a deliberate effort to ‘Buddhicise’ traditionally Tamil and Hindu parts of the country. [Muslims](#) in the east have also been affected in this way. President Wickremesinghe has undertaken to stop such acquisitions, although in-country sources said they continued to occur.

3.10 Sinhalese from the south have resettled in the north and, in particular, the east in the post-war period, some reportedly with government assistance. In-country Tamil sources said this was designed to change the region’s demography. Most Sinhalese in the north live in Mullaitivu (the LTTE’s last stronghold before its defeat); there are few, if any, Sinhalese in Jaffna. The north remains overwhelmingly Tamil, whereas the east has an almost even split between Tamils and Muslims, albeit with a sizeable Sinhalese minority (nearly one-quarter of the population – see [Race/Nationality](#)).

3.11 DFAT assesses that Tamils are at low risk of official discrimination on ethnic grounds, including in public sector employment. DFAT assesses that under-representation of Tamils in the public sector is largely the result of language constraints, not official policy.

### **Monitoring, harassment, arrest and detention**

3.12 During the civil war, many Tamils were monitored, harassed, arrested and/or detained by security forces, particularly in the north-east. While [LTTE](#) members and supporters were almost all Tamil, security

forces also imputed LTTE support based on ethnicity, and emergency regulations were, at times, applied in a discriminatory manner.

3.13 Security forces continue to monitor public gatherings and protests in the north-east (this was also the case for [Aragalaya protests](#) in the south in 2022). Security forces monitor and question individuals and groups suspected of promoting Tamil statehood or pursuing politically sensitive issues related to the war. This includes those advocating for missing persons and the release of military-occupied land; those organising and participating in civil war commemorations; those who engage with HRC processes (e.g. attending HRC sessions in Geneva); and those who regularly interact with representatives of the international community.

3.14 Former LTTE members are sometimes monitored and questioned, depending on their profile. In-country sources told DFAT that monitoring and questioning was usually undertaken by [military](#) intelligence and the [police](#) (the Police Criminal Investigation Department, or CID, and separate Terrorism Investigation Division, or TID). This can include visits, phone calls and physical surveillance. Monitoring often involves plain clothes officers questioning family members, friends, employers and neighbours. DFAT is also aware of reports of people receiving ostensibly wrong phone calls in which a conversation is struck, and questions asked. State informants operate within the Tamil community, including former LTTE members. Authorities are known to monitor links to foreign groups, including proscribed Tamil diaspora groups.

3.15 Tamil war memorialisation was restricted under the Rajapaksas. The Wickremesinghe Government has taken a more permissive approach to some commemorations. May 18 commemorations (when Tamils memorialise those killed in the final stage of the war) largely passed without incident in 2022 and 2023. Maaveerar Naal ('Great Heroes' Day', 27 November) commemorations likewise generally passed without incident in 2022 (according to in-country sources, security monitoring of these events, including in Jaffna, was minimal). However, some Maaveerar Naal commemorations, including in Vavuniya and Batticaloa, were disrupted by police in November 2023 and, according to Human Rights Watch, nine Tamils were arrested under the [PTA](#).

3.16 Authorities continue to monitor Tamils in the north-east, particularly Tamils suspected of promoting statehood, Tamils who are engaged in politically sensitive issues related to human rights or the war (as defined in paragraph 3.13) and Tamils who previously belonged to the LTTE. DFAT assesses that Tamils who are monitored by the state face a moderate risk of harassment (in the form of visits and questioning). DFAT assesses that Tamils who are suspected of glorifying the LTTE, as a proscribed entity, face a high risk of monitoring, arrest and detention. DFAT assesses that ordinary Tamils, including those living in the north-east, face a low risk of monitoring, harassment, arrest and detention.

## Caste

3.17 The Sinhalese Buddhist and Tamil Hindu communities are divided into castes: fixed social groupings into which individuals are born, and which traditionally determine their occupation, social status and who they can marry. Examples of castes in Sri Lanka include the land-owning *Vellâlar* castes and the traditionally oppressed *Panchamar* castes. Numerous sub-castes exist among these and other caste groups. While much less prominent than in India, the caste system continues to be recognised in Sri Lanka. In-country sources described caste as a 'hidden issue' in Sri Lankan society that was not spoken about openly.

3.18 In-country sources reported that the caste system was strongest in the Northern Province and among Tamils of Indian origin. Caste reportedly plays a less prominent role in the Eastern Province. In-country sources told DFAT the Tamil population in the north was predominantly low caste, and that most high caste Tamil northerners left during the war. In-country sources also reported that most former [LTTE](#) members came from low castes.

3.19 According to in-country sources, low-caste Tamils were often stereotyped as sexual predators and drug peddlers. Many performed menial work, including in garbage collection and mortuaries. Some experienced discrimination in education. In-country sources reported that children from low castes received used textbooks, while high-caste children received new ones. In-country sources said high-caste Tamils refused to receive blood donations from lower caste Tamils or be interviewed by Tamil police officers, who came from lower castes (they preferred to deal with Sinhalese officers instead). Tamil political parties rarely fielded candidates from low-caste communities. Inter-caste marriage carried stigma and was frowned upon by Tamils; where it occurred, the couple generally had to elope. According to in-country sources, it was not uncommon for Tamil families to disown children who married into lower castes.

3.20 DFAT assesses that caste remains important within the Tamil community, and that Tamils from lower castes face a high risk of societal discrimination from higher caste Tamils.

## RELIGION

3.21 Religion plays an important role in society and correlates closely with ethnicity: most Sinhalese are Buddhist, and most Tamils are Hindu. A minority of Sinhalese and Tamils belong to the Christian faith. Muslims are considered a separate ethnic and religious group. Buddhism is the largest religion by far (70.2 per cent of the population), followed by Hinduism (12.6 per cent), Islam (9.7 per cent) and Christianity (7.4 per cent).

3.22 The constitution guarantees freedom of religion. It accords Buddhism a 'foremost place' and obligates the state to 'protect and foster' Buddhism while protecting the rights of religious minorities. Minorities have the constitutional right to manifest their religion in public or private worship, observance, practice and teaching. The Ministry of Buddha Sasana, Cultural and Religious Affairs oversees religious activity. Places of worship must be registered with the authorities, and official permission must be obtained to construct a new place of worship.

3.23 Sri Lanka recognises religious holidays for Buddhists, Hindus, Muslims and Christians. Religion is a compulsory subject at public and private primary and secondary schools. Students can choose to study Buddhism, Hinduism, Islam or Christianity, subject to a quorum of 15 students. Where a quorum does not exist, a student must study another religion. Religious communities are free to operate schools and classes teaching their religion. The government funds religious schools by the Buddhist community; those run by religious minorities are privately funded.

3.24 The right to religious conversion is enshrined in the constitution, which protects the freedom to adopt a religion of one's choice. In-country sources told DFAT that religious conversion happened, more so among Sinhalese and Tamils than Muslims (it is reportedly rare for a Muslim to change their religion). In-country sources reported that, should a Muslim adopt another religion, they would face a high risk of ostracisation from their family and the broader Muslim community. According to in-country sources, the Roman Catholic Church (the largest Christian denomination in Sri Lanka) had lost a significant number of followers to smaller, primarily evangelical Christian denominations.

3.25 It is a criminal offence to insult a religion, promote religious hatred or attack a place of worship. The Wickremesinghe Government has sought to crack down on perceived threats to religious harmony, including under the *International Civil and Political Rights (ICCPR) Act No.56 (2007)* (ICCPR Act). This law prohibits religious hatred that constitutes incitement to discrimination, hostility or violence. Offences under the *ICCPR Act* are non-bailable for a period of 14 days and carry a maximum prison sentence of 10 years. Critics say the *ICCPR Act* is being used as a de facto anti-blasphemy law, particularly against people who denigrate Buddhism. In August 2020, the UN Special Rapporteur on freedom of religion or belief assessed that the *ICCPR Act* was 'not fully compatible' with Article 19 of the International Covenant on Civil and Political Rights,

as it does not guarantee freedom of expression. In May 2023, a Sinhalese Buddhist stand-up comedian, Natasha Edirisooriya, was arrested on charges of inciting religious hatred, following a performance in which she allegedly disparaged the Buddha. Edirisooriya was granted strict bail in July 2023, following multiple applications, and faced ongoing legal processes under the *ICCPR Act* and Penal Code at the time of publication.

3.26 Sri Lanka has a history of religious tolerance and peaceful co-existence between religions. This tradition has become strained by the Easter Sunday [terrorist attacks](#) in April 2019 and the emergence of Sinhala Buddhist nationalist groups. Religious minorities can sometimes face threats and intimidation that restrict their ability to worship freely, especially in rural areas. Online hate speech and disinformation, particularly against Islam, is prevalent. According to in-country sources, local officials and police (who are predominantly Buddhist) were biased against religious minorities and invariably sided against them in disputes.

3.27 Sinhala Buddhist nationalist groups operate in Sri Lanka. Examples include Bodu Bala Sena (BBS), Sinha Le ('Lion's Blood'), Sinhala Ravaya ('Sinhalese Roar') and Mahason Balakaya. The BBS is the most prominent of these groups; founded in 2012, it has engaged in acts of violence and hate speech, primarily against Muslims, whom it associates with terrorism, but also against Christians. In October 2022, an arrest warrant was issued for BBS leader Gnanasara Thero after he failed to appear in court to answer charges of hate speech against Muslims (he remained free at the time of publication). BBS and other Sinhala Buddhist nationalist groups remain active and, according to in-country sources, continued to target religious minorities with relative impunity.

3.28 DFAT assesses that, while laws and official policies generally do not discriminate on the basis of religion, religious minorities can face a moderate risk of official discrimination from lower-level officials and police, particularly in rural areas and/or where Buddhists form a majority (see [Muslims](#) and [Christians](#)). Religious minorities, particularly Muslims, face a moderate risk of societal harassment by Sinhala Buddhist nationalist groups, although the influence of these groups has decreased under the Wickremesinghe Government. DFAT assesses that individuals perceived to be denigrating Buddhism face a moderate risk of arrest, detention and prosecution.

## Muslims

3.29 Muslims live throughout Sri Lanka, including in Colombo and Kandy, with larger communities located in the east (Ampara, Batticaloa, Trincomalee), north (Mannar) and northwest (Puttalam). Muslims form the single largest religious community in the Eastern Province. Nearly all Sri Lankan Muslims (98 per cent) are Sunni. There is a small Shi'a community, comprising mostly Dawoodi Bohras (fewer than 3,000 people), the majority of whom live in Colombo. A small number of Muslims follow the Sufi tradition. Muslims predominantly speak Tamil as their first language.

3.30 Muslims are active in business, industry, the civil service and politics. Some have attained significant wealth and senior positions in government (including current Minister of Foreign Affairs Ali Sabry) and the judiciary (current Supreme Court Justice A.H.M.D. Nawaz). Muslim [political parties](#) represent the community's interests in parliament. The Muslim community operates [madrassas](#), although these have come under scrutiny following the Easter Sunday [terrorist attacks](#) perpetrated by individuals from Kattankudy, a Muslim town near Batticaloa, in April 2019.

3.31 Tensions between Muslims and Buddhists have increased since the end of the civil war in 2009, and there have been sporadic episodes of violence between the two groups. In February 2018, Sinhala Buddhist nationalists conducted arson attacks against Muslim-owned residences, shops and a mosque in Ampara, triggered by rumours a Muslim restaurant was mixing 'sterilisation drugs' in its food to make Sinhalese

women infertile. Further clashes followed in March 2018 in Kandy, following reports of an assault of a Sinhalese man by a group of Muslims; in response, the government imposed a 10-day State of Emergency. DFAT is not aware of more recent incidents of this kind.

3.32 Muslims report they have been unfairly targeted since the Easter Sunday terrorist attacks in April 2019, including in the form of large-scale arrests under the [PTA](#) and other official practices perceived as discriminatory. A State of Emergency imposed immediately following the attacks prohibiting clothing covering one's face in public was widely understood to target the Muslim community. According to media reports at the time, some shops, hospitals, courts and universities prevented women wearing the hijab (which does not cover the face) from entering their premises. The State of Emergency lapsed on 22 August 2019. In-country sources reported that anti-Muslim rhetoric and violence increased in the wake of these attacks: Muslims were assaulted and denied access to transport, Muslim businesses and homes were attacked by mobs, and Muslim businesses were boycotted in a campaign orchestrated by Sinhala Buddhist nationalist groups. In March 2020, the government adopted a mandatory cremation policy for COVID-19 related deaths. Islam forbids cremation, and the policy was highly traumatic for Muslims. It was reversed in February 2021.

3.33 Around 2,300 people (mostly Muslim) were arrested in connection to the Easter Sunday attacks for suspected terrorism offences under the [PTA](#), some on the basis of limited or tenuous evidence. Most have been released. In-country sources estimated that 115 remained in jail without charge in April 2023, although numbers are difficult to verify. In 2020, the UN Special Rapporteur on freedom of religion or belief reported that many Muslims arrested under the PTA struggled to secure legal representation, including by Muslim lawyers fearing reprisals. According to in-country sources, lawyers and families had limited access to PTA detainees and, where visits were granted, may be subjected to strip searches.

3.34 In-country sources told DFAT that Muslims previously arrested under the PTA but since released, and the families of those who remain in detention, were monitored by the state and shunned by the Muslim community. In-country Muslim sources reported that people were reluctant to associate with or employ Muslims previously arrested under the PTA, for fear of attracting adverse state attention. In some instances, such Muslims and their families were completely rejected by their communities as terrorists.

3.35 In-country Muslim sources reported that the most acute pressures experienced by their community following the Easter Sunday terrorist attacks had subsided, and that Muslims were now generally able to practise their faith freely. However, in-country Muslims also reported that they continued to experience harassment, intimidation and disinformation, and said the threat of arrest under the PTA was used to threaten the community, particularly Muslims in Kattankudy. In-country Muslim sources in the Eastern Province reported that they continued to experience official discrimination, including in the allocation of livelihood support programs by (Tamil) local government officials in Batticaloa and in public sector employment. They also reported that, in land disputes between Tamils and Muslims, local government officials invariably sided with Tamils. Muslims reported that a requirement introduced in March 2021 for all imported Islamic religious textbooks (including the Quran) to be vetted by the Ministry of Defence for extremist content prior to release was discriminatory, on the basis the requirement did not apply to other religions.

3.36 In-country Muslim sources reported ongoing monitoring, including for signs of extremism. Those that face the highest risk of monitoring included: the families of people in detention for suspected terrorism offences under the PTA and their legal representatives; people previously arrested under the PTA but since released; community activists, particularly those that engage with representatives of the international community; and organisations that receive funding from Islamic countries. Monitoring can take the form of telephone calls, visits and physical surveillance. In-country Muslim sources told DFAT that mosques and madrassas were monitored by the State Intelligence Service (SIS) and the TID.

3.37 In March 2021, the government of Gotabaya Rajapaksa issued regulations establishing a de-radicalisation program for individuals ‘holding violent extremist religious ideology’. Under these regulations, the Attorney General could recommend individuals who instigate ‘communal disharmony’ to undergo rehabilitation of between one and two years in lieu of prosecution. Muslims considered the regulations specifically targeted at their community, and civil society organisations filed fundamental rights petitions to the Supreme Court challenging their validity. In August 2021, the Supreme Court issued an interim order suspending the regulations pending a final ruling. The Supreme Court declared the regulations legally invalid in November 2023, including because they were deemed to be in violation of the fundamental rights to equality, freedom of thought, conscience and religion, and freedom from arrest and detention.

3.38 The Muslim community remains the frequent subject of online hate speech and disinformation, including with respect to its perceived population growth, wealth and links to terrorism. NGOs documented incidents of threats, discrimination and violence against the community in 2022 and 2023, including property damage and propaganda. Sinhala Buddhist nationalist groups, particularly the BBS, continue to target Muslims, especially through hate speech. In-country sources reported that state protection from these groups was inadequate.

3.39 DFAT assesses that Muslims face a moderate risk of official and societal discrimination, in the form of harassment and monitoring by security forces and organised disinformation campaigns by Sinhalese nationalist groups. Muslims face a low risk of official or societal violence, including in Colombo, where the community is well established and integrated, and are broadly free to practise their religion. Muslims suspected of extremist views and/or association with groups deemed to be extremist face a high risk of monitoring, arrest and detention, including under the PTA.

## Christians

3.40 More than 80 per cent of Sri Lankan Christians are Roman Catholic. Other sizeable denominations include Anglican (the Church of Ceylon), Assembly of God, Baptist, The Church of Jesus Christ of Latter-day Saints (Mormon), the Dutch Reformed Church, Jehovah’s Witnesses, Methodist and Pentecostal. Membership of evangelical groups is small but growing. The Christian community comprises both Sinhalese and Tamils. Christians live countrywide and all major cities have a visible Christian presence. Larger Christian communities are located in the Western, Eastern, Northern and North Western provinces.

3.41 The National Christian Evangelical Alliance of Sri Lanka (NCEASL), an NGO, documented 81 incidents of discrimination, property damage, physical violence, hate speech and threats against Christians in 2022, 56 per cent of which were reported to involve state actors, including police officers. In-country sources reported a rise in online hate speech, including calls for violence against churches and pastors, and disinformation (for example, some social media posts accused Christians of co-opting the Aragalaya protests). In December 2023, a high-profile evangelical pastor, Jerome Fernando, was arrested under the ICCPR Act for a sermon in which he is reported to have disparaged Buddhism, Hinduism and Islam. Pastor Fernando was bailed in January 2024.

3.42 Attacks targeting Christians primarily involve physical and verbal threats against pastors and their congregations; disruption of worship services; and demands for closure of churches. Attacks predominantly target evangelical groups, which are less established and actively proselytise. Buddhists are the main perpetrators, followed by Hindus and, to a lesser extent, Catholics (the proselytisation of Catholics by evangelical groups is a growing point of friction). In one incident, in March 2022, several hundred Buddhists entered church premises during a service in Galle District (Southern Province) and threatened to kill the pastor if he did not close the church (one congregant was reportedly injured); no arrests were reported. Muslim extremists carried out coordinated suicide bombings against three Christian churches (two Catholic,

one Protestant) in Colombo, Negombo and Batticaloa during Easter Sunday services on 21 April 2019. DFAT is not aware of more recent significant incidents of violence or visible hostility against Christians perpetrated by Muslims. In-country Christian sources told DFAT they did not consider Muslims a threat to their community.

3.43 In-country sources reported that Christians in rural areas faced a higher risk of intimidation, discrimination and violence than those in urban areas, and that this risk was most pronounced against smaller, non-Catholic denominations. Catholics were well-established and faced little risk, particularly in urban areas.

3.44 In-country sources told DFAT the definition of a place of worship had expanded since 2019, to the extent that bible study classes had to be registered with the authorities, to the detriment of Christians' ability to worship freely. In-country sources said these registration requirements were not enforced as vigorously against Buddhists. In-country sources also reported discrimination against Christians in public school admissions, and that Christianity was not offered as a subject in some schools, particularly in rural areas (ostensibly due to a lack of Christian teachers).

3.45 According to in-country sources, Buddhist officials were biased against religious minorities and, where Christians were involved in religious disputes with Buddhists (e.g. in relation to the legality of a place of worship or permission to renovate an existing place of worship), officials invariably ruled against Christians. In country sources also reported that complaints filed by Christians for breaches of their right to freedom of religion were sometimes not investigated further, which deterred some Christians from reporting disputes to the police.

3.46 In January 2023, in response to a fundamental rights petition filed by the Roman Catholic Church, the Supreme Court found that then-President Sirisena and four senior security officials were guilty of negligence in failing to prevent the Easter Sunday terrorist attacks. The Supreme Court ordered Sirisena and the security officials to pay compensation from their personal funds for violating the basic rights of the victims and their families.

3.47 DFAT assesses that Christians, particularly those belonging to the Catholic Church and other mainstream denominations, face a low risk of official or societal discrimination, especially in urban areas. DFAT assesses that the risk of societal discrimination, including physical and verbal threats, is relatively higher for evangelical Christians. Notwithstanding the April 2019 Easter Sunday attacks, DFAT assesses Christians face a low risk of violence from Muslims.

## Hindus

3.48 Hindus are concentrated in the Northern and Eastern provinces, although they live throughout the country. Hindus form an overwhelming majority in the north, and are the second largest religious group in the east (after Muslims). In-country sources told DFAT the Department of Archaeology routinely sided with Buddhists in disputes over archaeological sites in the north-east traditionally claimed by Hindus, and permitted the construction of Buddhist structures on these sites (also see [Tamils](#)). According to in-country sources, Hindu nationalist groups, including Shiv Senai, Rudra Sena and Ravana Sena, promoted hate speech against Christian and Muslim communities in the north and advocated for non-conversion laws.

3.49 DFAT assesses that Hindus can practise their faith freely, including in areas where they do not form a majority, and are generally not at risk of violence or discrimination on the basis of their religion.

## Inter-faith marriage

3.50 There is no official data on the incidence of inter-faith marriage in Sri Lanka. State, rather than religious, law governs most mixed marriages. According to in-country sources, inter-faith marriages were more common in the south than the north-east, and more likely to be tolerated in urban areas and by middle-class people.

3.51 Sri Lankans are encouraged to marry from within their own religious communities, and some families may disapprove of inter-faith marriage. Inter-faith marriage, where it occurs, does not generally result in ostracisation of mixed couples and their children. In-country sources reported that Muslims who married outside of their faith were more likely to experience social stigma within their community than Buddhists, Hindus and Christians who did likewise.

3.52 DFAT is not aware of official discrimination against people of mixed marriage and their children, including in relation to employment and education.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.53 The constitution provides for free and equal elections by secret ballot based on universal suffrage. The voting age is 18. Sri Lanka has held regular democratic elections since independence. Elections have generally been considered free and fair, including recent presidential and parliamentary elections. There are no legal restrictions preventing ethnic minorities from participating in the political process; parties representing minority interests are active and former Tamil militants serve as MPs. The constitution prohibits political parties from promoting secession.

3.54 Sri Lanka has a robust and diverse political landscape. At the time of publication, 84 political parties were registered with the Election Commission, representing a broad range of ethnic, religious and ideological interests. Of these, 15 were represented in the current parliament, five of which represented the Tamil community (for a total of 16 seats) and three represented the Muslim community (total of three seats). There were two Tamils and one Muslim in the Wickremesinghe Ministry at the time of publication. Political parties, irrespective of their affiliations or ideology, can operate freely and contest elections, and can generally do so without the risk of harassment or violence. Registered political parties are governed by the same legal framework. DFAT is not aware of Sinhalese, Tamil, Muslim or other parties facing differences in treatment.

3.55 While violence against politicians can occur, it is not common. On 9 May 2022, Amara Keerthi Athukorala, an MP from the ruling SLPP, died during clashes between supporters of then-President Gotabaya Rajapaksa and Aragalaya protesters (Athukorala had earlier shot two people, killing one, after being surrounded by a mob in Gampaha District, Western Province). The clashes were triggered by an attack by Rajapaksa supporters on a peaceful anti-government protest site in Colombo. In retaliation, Aragalaya protesters targeted politicians from the SLPP in Colombo and elsewhere. According to official figures, the properties of 106 MPs, including houses, offices and vehicles, were destroyed or damaged, and eight people died. Destruction or damage of 244 properties belonging to members of political parties, provincial and urban councillors, and former ministers were separately reported. Mahinda Rajapaksa resigned as prime minister the same day. According to the government, more than 3,300 people were arrested in relation to the violence. In July 2022, protesters burned down the private residence of then-Prime Minister Wickremesinghe. In February 2023, police deployed tear gas and water cannons during a protest against the postponement of local elections; Nimal Amarasiri, a member of the opposition Jathika Jana Balawegaya (National People's Power, or NPP) died of injuries related to tear gas inhalation.

3.56 Activists belonging to Tamil opposition parties who advocate for positions considered ultra-nationalist and/or who participate in war-related protests (e.g. protests relating to missing persons or land returns) are most likely to be monitored. In-country political sources told DFAT that, while discrete monitoring of some parties may occur, particularly those that were outspoken against the government and/or military, members of political parties faced a low risk of official harassment or violence. In-country political sources also told DFAT they had not experienced harassment or violence as a result of their political activities.

3.57 In-country sources reported that people involved in trade unions and leftist political movements (which have been active in anti-government protests) were attracting growing state attention.

## Active political parties

3.58 The Rajapaksa-led SLPP is the largest party in the current parliament, with 145 seats following the 2020 election (there have been some defections since). The SLPP includes 13 seats held by members of the Sri Lanka Freedom Party (SLFP), historically one of Sri Lanka's dominant political parties, which ran under the SLPP banner at the 2020 election. The Samagi Jana Balawegaya (SJB, or United People's Power) is the largest opposition party, with 54 seats (its leader, Sajith Premadasa, formally leads the opposition in parliament). Ilankai Tamil Arasu Kachchi (ITAK) is the third largest party in parliament, with six seats, followed by Jathika Jana Balawegaya (also known as National People's Power, NPP) with three seats. The NPP, a coalition of socialist parties founded in 2015 and led by Anura Kumara Dissanayake of Janatha Vimukthi Peramuna (JVP, or People's Liberation Front), was projected to make significant gains at local elections in March 2023 (since postponed). The JVP, in its previous guise as a Marxist militant organisation, waged an armed insurrection in southern Sri Lanka in the 1970s and 1980s.

3.59 ITAK, which sits in opposition to the government, is the single largest party representing the [Tamil](#) community and the chief constituent party of the Tamil National Alliance (TNA). The TNA is the largest and most moderate political grouping representing Tamil interests. Its other constituent parties – the Tamil Eelam Liberation Organization (TELO), the People's Liberation Organisation of Tamil Eelam (PLOTE) and the Eelam People's Revolutionary Liberation Front (EPRLF) – hold three, one and zero seats in the current parliament, respectively. TELO, PLOTE and the EPRLF were originally formed as militant groups and fought for Tamil separatism. Self-rule through devolution of political authority within a unitary state, including through full implementation of the [13<sup>th</sup> amendment](#); accountability for alleged war-era crimes; return of Tamil lands; and economic development for Tamil regions are core priorities for the TNA. A rival alliance, the Tamil National People's Front (TNPF), advocates for federalisation; its main constituent party is the All Ceylon Tamil Congress (Ahila Ilankai Thamil Congress, or AITC), which broke away from the TNA in 2010 and holds two seats in the current parliament. The TNPF's leader, G.G. Ponnambalam, was arrested in June 2023 for reportedly obstructing police duties, following an altercation with two CID officers at a public meeting of the TNPF in Jaffna (two TNPF activists were also arrested). According to local media reports, the altercation started after the officers, who were plain clothed, refused to produce identification. Local media reported Ponnambalam said he was assaulted and had a gun pointed at him, and that police reported Ponnambalam intimidated and sought to assault the officers. Ponnambalam was released on bail.

3.60 Also representing Tamil interests in the current parliament and, like the AITC, sitting outside of the TNA umbrella are the pro-government Eelam People's Democratic Party (EPDP) (two seats and one cabinet member); Thamil Makkal Viduthalai Pulikal (TMVP, formerly the Karuna Group) (one seat); and Thamil Makkal Thesiya Kuttani (Tamil People's National Alliance) (one seat). For the EPDP and TMVP, see [Former Tamil paramilitary groups](#).

3.61 The United National Party (UNP), one of Sri Lanka's largest political parties historically alongside the SLFP, holds a single seat in the current parliament. The UNP has governed Sri Lanka for much of its history, including at independence; it fractured in 2020, with many of its members, including Premadasa, leaving to form the SJB. President Wickremesinghe leads the UNP.

3.62 Also represented in the current parliament, albeit holding single seats, are National Congress; the Our Power of People Party; the Sri Lanka Muslim Congress (SLMC); the All Ceylon Makkal Congress (ACMC); and the Muslim National Alliance (MNA). The SLMC, ACMC and MNA represent the interests of the Muslim community.

3.63 While they no longer lead government, the Rajapaksas continue to wield political influence. Their party (the SLPP) retains a majority in parliament, and President Wickremesinghe was appointed on the basis of the SLPP's support. Mahinda, his son Namal Rajapaksa and older brother Chamal Rajapaksa remain MPs (Chamal is a former speaker of parliament and, like Namal, was a minister during Gotabaya's Presidency). Gotabaya returned to Sri Lanka in September 2022, although is no longer formally involved in politics. Most current cabinet members are holdovers from the Gotabaya Ministry. In November 2023, the Supreme Court ruled that Gotabaya and Mahinda Rajapaksa, among others, were responsible for Sri Lanka's economic collapse through their 'actions, omissions and conduct.' The verdict carried no penalty other than to pay claimants' legal fees.

3.64 In-country sources reported that people affiliated with established political parties faced a low risk of official or societal harassment. Politicians are well-connected and can better access state protection than the average person, and may also have the means for private protection services.

3.65 No laws or policies discriminate on the basis of political opinion, and DFAT did not find evidence of systemic political discrimination against any particular group. DFAT assesses that political parties, including opposition parties, are able to operate freely and contest elections. Notwithstanding the targeted attacks against politicians associated with the ruling party in May 2022, DFAT assesses that both high and low ranking politicians and members of political parties face a low risk of violence. DFAT assesses that Tamil parties that espouse more radical views than moderate parties are more likely to have their activities monitored, although can generally operate freely.

## Anti-government protests

3.66 Citizens are constitutionally entitled to freedom of association and peaceful assembly. A variety of groups representing a broad range of interests, including minorities, trade unions, professional bodies and students, frequently exercise this right. Protesters must seek police permission to hold a demonstration.

3.67 Anti-government protests occur, including in Tamil areas (for example, in relation to missing persons and land disputes). For the most part, protests pass peacefully. Authorities monitor protests relating to sensitive matters, including missing persons (a regular feature in the Northern Province).

3.68 Large-scale, countrywide demonstrations in 2022 (*Aragalaya*) brought down the government of Gotabaya Rajapaksa. Triggered by the economic crisis, the *Aragalaya* drew from across Sri Lanka's ethnic, religious and socioeconomic spectrum. Protests were centred in Colombo and attracted people from other parts of the country, including limited numbers of Tamils from the north-east (protests in the north-east themselves were limited and, where they did occur, on a small scale).

3.69 Over 4,000 people may have been arrested in connection to the *Aragalaya* protests, although precise numbers are difficult to verify. Most were arrested for damaging public property; many were released on the same day as their arrest according to in-country sources. Lawyers and activists reported that some arrests did not follow due process, including arrests by plain clothed police officers and delays in

advising lawyers or family members of arrested individuals' whereabouts – both in contravention of Sri Lanka's Criminal Procedure Code and *Enforced Disappearances Act* (2018). Three student activists were detained under the PTA. Most people arrested for participating in the *Aragalaya* protests (including the three student activists) have been released; in-country sources estimated that, at the time of DFAT's visit in June 2023, hundreds may have been under bail conditions and the subject of ongoing court cases. Some detainees reported they were mistreated in custody.

3.70 Protest activity has reduced significantly since 2022, although occasional smaller-scale anti-government demonstrations continue to occur, including in the context of austerity measures, cost-of-living pressures and delayed local elections. In-country sources told DFAT that President Wickremesinghe had taken a stronger approach to protest activity, with security forces dispersing protests forcefully with greater regularity since July 2022.

3.71 DFAT assesses that people arrested for participating in the *Aragalaya* protests face a low risk of official harassment and discrimination, including in their ability to access state protection or services. Protesters more generally face a low risk of violence, harassment or discrimination during and after protest activity.

## Liberation Tigers of Tamil Eelam (LTTE)

3.72 The LTTE was an armed separatist group that waged a 26-year war against the Sri Lankan state (see Country Overview). The LTTE is a banned entity in Sri Lanka. Australia, the United States, the United Kingdom, Canada, India and the European Union, among others, have proscribed the LTTE as a terrorist organisation. Australia listed the LTTE on 21 December 2001 pursuant to UN Security Council Resolution 1373 relating to the prevention and suppression of financing for terrorist acts. Under Australian law, it is a criminal offence to make assets (including funds) available to the LTTE, or to use or deal with assets owned or controlled by the LTTE, whether directly or indirectly. Some LTTE members may be ineligible for international refugee protection because of involvement in war crimes and serious abuses of human rights committed during the war.

3.73 At its peak, the LTTE had an armed force of 18,000 people, as well as separate political, administrative and intelligence wings. The LTTE was supported by foreign funding, primarily from the Tamil diaspora, and the voluntary and forced recruitment of Tamils, including children. Funding from the Tamil diaspora was sometimes attained through means of intimidation and coercion, including threats against local family members, and kidnapping for ransom. The LTTE was also known to target middle- and upper-class Tamils inside Sri Lanka for extortion. International media have reported the LTTE did not tolerate dissent in areas under its control and murdered Tamil rivals and critics. The LTTE was a pioneer of suicide bombings. It carried out numerous political assassinations, including of former Indian Prime Minister Rajiv Gandhi (1991), Sri Lankan President Ranasinghe Premadasa (1993) and multiple Sri Lankan ministers.

3.74 LTTE members, both combatants and those who performed administrative, non-combat functions, were detained on a large scale at the end of the war in 2009. Most were sent to government-run rehabilitation centres. A smaller number were prosecuted through the court system. The majority of former LTTE members who were detained have since been released. The number of Tamils who remain in prison in connection to the civil war is small, and President Wickremesinghe has committed to expedite their release. For example, most recently, local Tamil media reported that two LTTE-connected prisoners serving life sentences were released in January 2024 as part of a presidential amnesty to mark Thai Pongal, a Hindu festival celebrated by Tamils. According to the Minister of Justice, Prison Affairs and Constitutional Reforms, 14 Tamil political prisoners, some of whom would have connections to the LTTE, were in custody as of 18

January 2024. Former LTTE members can access state services and face no legal barriers to participating in public life, including politics, and have previously contested elections.

3.75 The LTTE was comprehensively defeated by state forces. It no longer exists as an organised entity and is not known to have carried out any attacks since the end of the war in 2009. While some sympathy for the LTTE remains, in-country Tamil sources told DFAT the Tamil community had abandoned militancy and was fully committed to the political process. It is illegal to glorify the LTTE or commemorate the birthday of LTTE leader Prabhakaran (26 November) in Sri Lanka. The public display of LTTE symbols, including the LTTE flag and images of Prabhakaran, is likewise prohibited. Those that defy these bans (including through online channels) run the risk of arrest and detention for suspected terrorism offences.

3.76 Authorities remain highly alert to the LTTE's potential re-emergence and to Tamil separatist activity more broadly. The security services maintain a large presence in [Tamil areas](#), and in-country sources reported they had extensive intelligence collection capabilities, including former LTTE members who worked as informants. The security services maintain countrywide 'stop' and 'watch' lists. Stop lists include names of people who have an existing court order, arrest warrant or order to impound their Sri Lankan passport. Watch lists include names of people whom the security services consider to be of interest, including for suspected separatist or criminal activities. In-country sources reported that the TID, Air Force intelligence, Navy Intelligence and the Special Task Force (a special police unit) operate throughout the north-east. DFAT understands three to four military intelligence officers operate in each village in areas around Mullaitivu. Arrests for suspected support of the LTTE and/or Tamil statehood periodically occur, albeit in small numbers.

3.77 DFAT assesses that former LTTE members, depending on their profile (see [high-profile](#) and [low-profile](#) former LTTE members) may be monitored for suspected terrorist activity. As a proscribed entity, DFAT assesses that anybody found to promote the LTTE or Tamil statehood more broadly faces a high risk of monitoring, arrest and detention. DFAT assesses that former LTTE members within Sri Lanka have minimal capacity to exert influence on Sri Lankans.

### Rehabilitation of former LTTE members

3.78 Successive governments operated a large-scale, mandatory rehabilitation program for former LTTE members, designed to support their post-war reintegration into society. At the time of publication, multiple in-country sources reported this program was no longer operational. Rehabilitation included psychological, spiritual, educational and vocational training elements, and typically lasted one year (extendable to two years for those deemed highly radical). According to government figures, 12,195 former LTTE members completed rehabilitation, including nearly 600 former child soldiers.

3.79 In-country sources and NGOs have reported mistreatment of detainees, including sexual violence and physical abuse, during the rehabilitation process. Writing in 2016, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment assessed that conditions in rehabilitation centres were considerably more humane than those in prison. Most in-country Tamil sources told DFAT they concurred.

3.80 Most former LTTE members who remain in Sri Lanka have undergone rehabilitation and reintegrated into society. These people are known to the authorities. Most former LTTE members who have not undergone rehabilitation have either left Sri Lanka or had only marginal links to the LTTE. In-country sources estimated there were a small number of undisclosed and non-rehabilitated former LTTE members living in Sri Lanka.

3.81 DFAT assesses that former LTTE members who have completed rehabilitation may be monitored, but can generally live freely.

## High-profile former LTTE members

3.82 'High-profile' former LTTE members denotes people who held senior positions in the LTTE's military, political and intelligence wings, and civilian administration; people suspected of committing terrorist or other serious criminal offences on behalf of the LTTE during the war; and people who provided weapons, explosives or funding to the LTTE. This cohort faces the highest risk of monitoring.

3.83 Most of the LTTE's leadership died during the war. A small number surrendered or were captured, some of whom were prosecuted and/or sent for [rehabilitation](#). Many high-profile former LTTE members left Sri Lanka before, during or after the war. Others defected to the government, fought against the LTTE and later joined the political process (e.g. [Karuna Amman](#)). The number of high-profile former LTTE members still living in Sri Lanka is small; most, if not all, would be known to the authorities.

## Low-profile former LTTE members

3.84 'Low-profile' former LTTE members denotes former LTTE combatants; people employed in administrative or other roles in service of the LTTE; and people who provided non-military support to the LTTE during the war. Most low-profile former LTTE members still living in Sri Lanka underwent [rehabilitation](#) and were subsequently released into the community. DFAT is not aware of low-profile former LTTE members who have not previously undergone rehabilitation being detained in recent years.

3.85 DFAT assesses that known low-profile former LTTE members face a low risk of monitoring and harassment on the basis of their previous association with the LTTE. DFAT assesses that, while low-profile former LTTE members not previously known to the authorities may be subjected to monitoring for separatist activity, they would generally not be detained and prosecuted.

## Monitoring of former LTTE members

3.86 According to in-country sources, former LTTE members continued to be monitored, usually by military intelligence and/or undercover police officers. Monitoring can include visits, telephone calls and summons to attend a police station for questioning; it reportedly does not include threats or physical violence. In-country sources reported that monitoring was relatively more subtle and indirect than in the past. See also [Monitoring, harassment, arrest and detention under Tamils](#).

3.87 While in-country sources reported they contested the extent of monitoring of former LTTE members (some reported it was extensive, others that it was low-level and had decreased over time), they agreed that it continued to occur. In-country sources told DFAT the level of monitoring could ebb and flow, depending on the government of the day and the individual commander in charge. In-country sources said that only a small proportion of former LTTE members would continue to be monitored, including those recently released from prison (having been detained under the PTA). While the level and frequency of monitoring varies, reports by former LTTE members to the [Human Rights Commission of Sri Lanka](#) (HRCSL) about monitoring and harassment have decreased significantly over time.

3.88 DFAT understands that: people who previously served in the LTTE's political and intelligence wings; people who were involved in fundraising for the LTTE; former LTTE members proficient with explosives; and people with suspected links to proscribed individuals or entities in the Tamil diaspora are of most ongoing interest to authorities. Former LTTE members who fit this profile are more likely to be monitored.

3.89 DFAT assesses that, while they may be monitored, Tamils with former links to the LTTE who are not engaged in politically sensitive issues are generally at low risk of official discrimination or harassment.

## Societal discrimination

3.90 In-country Tamil sources reported that former LTTE members experienced varying degrees of societal discrimination and mistrust. Those suspected of committing serious human rights abuses against other Tamils, including forced recruitment, torture and other mistreatment; those who are likely to attract state attention for separatist or other activities; and/or those who are suspected of collaborating with the security services as paid informants are most likely to experience societal discrimination. Where it occurs, societal discrimination against former LTTE members may also relate to [caste](#), as most former LTTE members are lower caste.

3.91 Members of the Tamil community are often reluctant to associate with former LTTE members for fear of inviting state surveillance. For the same reason, employers can be loath to hire former LTTE members, restricting their livelihood opportunities. Former LTTE members may also be shunned if they are suspected of working as state informants. In-country sources said former LTTE members were ‘highly vulnerable’. This vulnerability is more pronounced for those with war-related disabilities, who, according to in-country sources, received little to no state support. Former LTTE members, particularly those who performed combat roles, are more likely to be unemployed or be stuck in precarious forms of employment, owing to a formal lack of education or training and stigma. They are also more likely to be poor and to experience [mental illness](#). In the absence of alternatives, some have resorted to criminal activities or become paid informants for the state.

3.92 In-country sources reported that female former LTTE members faced additional hardships, including increased risk of sexual harassment. They reportedly find it harder to marry, given their LTTE past and perceptions they may have been raped during the war (see [Conditions for women in the north and east](#)). Women forcibly recruited by the LTTE are more likely to be accepted by their communities than those who volunteered.

3.93 DFAT is unable to determine how many Tamils had connections to the LTTE. In-country Tamil sources told DFAT that ‘everybody’ in the north-east had a connection with the LTTE of some sort, through friends or relatives who were part of the LTTE, through interactions with the LTTE administration or through being LTTE members themselves, including people who were forcibly recruited. These connections are strongest in the [Vanni region](#), where the war was concentrated in the final stages, and which was an LTTE redoubt. According to in-country sources, the population in Vanni had no choice other than to work for the LTTE, whether in a military or administrative capacity. In-country sources reported that people in Batticaloa, which the LTTE controlled, engaged with the LTTE administration as a matter of course – they said they could not avoid the LTTE, whether they liked it or not.

3.94 DFAT assesses that [low-profile former LTTE members](#) face a low risk of societal discrimination, including those who were forcibly conscripted and/or recruited as children. DFAT assesses former members of the LTTE suspected of serious human rights abuses against other Tamils during the war, those who are [high-profile](#) and those who work as state informants face a moderate risk of societal discrimination.

## Family members of LTTE

3.95 In September 2021, advocacy group the International Truth and Justice Project (ITJP) reported that people inside Sri Lanka have been harassed and detained for their family connections to former LTTE members now living abroad. While DFAT was not able to verify this claim, in-country sources reported that close, Sri Lanka-based relatives of individuals living abroad who are suspected of previous involvement with the LTTE and/or who openly promote separatism and glorify the LTTE, including online, run the risk of being monitored and questioned.

## Former LTTE members living outside Sri Lanka

3.96 At least 1 million Sri Lankan Tamils live outside Sri Lanka, mostly in Canada, Europe (with large communities in the United Kingdom, France and Switzerland), Australia and [Tamil Nadu](#), India. Members of the Sri Lankan Tamil diaspora may be citizens or legal residents of these and other countries, or dual nationals.

3.97 Members of the Tamil diaspora return regularly to Sri Lanka to visit family members, for holiday and business. Remittances from the Tamil diaspora are an important source of income for Sri Lanka's economy, and Tamils living abroad are encouraged to visit and invest in the economy. The Tamil diaspora is organised and active, including politically; according to in-country sources, it had strong links to, and influence on, Tamil politicians inside Sri Lanka. The Tamil diaspora is generally considered more extreme in its political views than Sri Lanka's own Tamil population.

3.98 On assuming the presidency, President Wickremesinghe committed to working closely with Tamils living abroad to rebuild Sri Lanka. In January 2023, the government established an Office for Overseas Sri Lankans to better engage the Tamil and broader Sri Lankan diaspora (see [Reconciliation](#)). In August 2022, the government delisted six Tamil diaspora organisations and 316 individuals (mostly diaspora Tamils) previously proscribed for supporting and funding a terrorist organisation (the [LTTE](#)). The delisted groups included the Australian Tamil Congress and the Global Tamil Forum, which has an active presence in Australia. One Australia-based organisation (the Tamil Youth Organisation, which also has a presence in several other countries) and three Tamil individuals remain on Sri Lanka's proscribed list.

3.99 Some members of the Tamil diaspora played a central role during the war, as sources of funding, weapons and other material support for the LTTE, and as political advocates for Tamil statehood. The Sri Lankan Government assesses that elements of the Tamil diaspora remain committed to an independent Tamil state. Members of pro-independence diaspora groups, particularly diaspora groups banned under Sri Lankan law and/or people who glorify the LTTE, may come to the attention of the Sri Lankan authorities due to participation in public demonstrations or other activities deemed to be promoting Tamil statehood in their countries of residence. According to in-country Tamil sources, the authorities monitor the social media of Tamils living abroad who fit this profile.

3.100 The United Kingdom Upper Tribunal, in its May 2021 ruling on Tamils engaged in activities in the United Kingdom, found that a range of political activities abroad may be perceived as threatening by the Sri Lankan Government and could trigger official harassment on return. These include attending meetings, demonstrations and war-related commemorative events, signing petitions, displaying flags or banners with LTTE insignia, and fundraising.

3.101 In-country sources reported that Tamils returning from abroad were able to be arrested for committing a crime before emigration. In-country sources said they were not aware of recent returnees being arrested for political reasons, including for suspected links to the LTTE.

3.102 Depending on their profile, authorities may monitor members of the Tamil diaspora, including on their return to Sri Lanka. Persons who hold leadership positions in Tamil diaspora groups, particularly groups deemed to hold radical views by the Sri Lankan Government; persons who were formerly part of the LTTE, particularly in [high-profile](#) roles; persons suspected of raising funds for the LTTE during the war; and persons who actively advocate for Tamil statehood are of particular interest to the authorities. Those Tamils living abroad with high-profile links to the LTTE and/or proscribed by Sri Lanka as terrorists are unlikely to return to Sri Lanka voluntarily.

## GROUPS OF INTEREST

### Internally Displaced Persons (IDPs)

3.103 The civil war (1983 to 2009) displaced over 900,000 people within Sri Lanka, mostly Tamils and Muslims in the Northern and Eastern provinces. Most internally displaced persons (IDPs) have been resettled, with most returning to their place of origin. As of June 2022, 8,540 people remained in internal displacement due to the war (7,712 in the north, mostly in Jaffna; and 828 in the east, mostly in Trincomalee). Natural disasters, including floods and landslides, can cause some short-term displacement, and represent the main driver of internal displacement in Sri Lanka today.

3.104 War-related IDPs are concentrated in the Northern (Jaffna, Kilinochchi) and Eastern (Trincomalee) provinces. Most live in the community; 437 reside in 15 welfare centres specifically for IDPs, all in Jaffna. Those who remain displaced originate from lands that remain in military hands, hence their protracted displacement (most wish to be resettled on their original land). A lack of economic opportunities and basic services in their place of origin and, in some cases, absence of required documentation to reclaim former lands are other factors in this cohort's ongoing displacement. IDPs, including those living in welfare centres, have full freedom of movement. Government assistance, via the Ministry of Urban Development and Housing, is limited to the provision of drinking water and basic repair and maintenance of welfare centres. Schooling and livelihoods are the responsibility of the families. The government does not provide support to those living outside of the welfare centres. In-country sources told DFAT that water, sanitation and hygiene facilities in IDP welfare centres were 'poor'.

3.105 Some long-term IDPs (i.e. those displaced by the war) have chosen not to return, or have been unable to return, to their place of origin. This includes most of the approximately 75,000 Muslims whom the LTTE forcibly expelled from the Northern Province in October 1990 and moved to Puttalam in the North Western Province (Muslims were considered by the LTTE to be pro-government). Only a small number of expelled Muslims have returned to their place of origin in the north. According to in-country sources, those who returned have experienced difficulties reclaiming property, proving their voting rights and securing work. Those who have resettled elsewhere, mostly in Mannar and Trincomalee (Eastern Province), have established new livelihoods and are unlikely to seek to return to their place of origin.

3.106 The Internal Monitoring Displacement Centre (part of the Norwegian Refugee Council) assesses Sri Lanka maintains a comprehensive national policy to address internal displacement. In 2016, Sri Lanka adopted a National Policy on Durable Solutions for Conflict-Affected Displacement. This establishes the rights of IDPs, including those displaced by conflict, natural or man-made disasters, climate change and development projects, and includes measures to prevent future displacement and promote durable solutions.

### Returnees from Tamil Nadu

3.107 India hosts more than 90,000 Sri Lankan Tamils, mostly in the southern state of Tamil Nadu. Many Sri Lankan Tamils have historical ancestry in India and share a culture, language and religion with the people of Tamil Nadu (which, at its closest point, is situated 35km from Jaffna). Most Sri Lankan Tamils living in Tamil Nadu fled the civil war in the 1980s or are descendants of those who fled (many are second- or third-generation Indian-born). Approximately 60,000 live in 106 rehabilitation camps run by the Tamil Nadu State Government with national government funding. The remainder live in communities outside the camps. Camp-based Sri Lankan Tamils are registered with the Tamil Nadu State Government and receive education, healthcare and social security support. Many are highly educated, including tertiary degree holders.

3.108 Sri Lankan Tamils, whether camp or non-camp, face challenges working in the formal economy, limiting their long-term prospects for economic and social advancement (job options tend to be limited to daily wage labouring or self-employment). While some Sri Lankan Tamils living outside the camps run successful businesses, their economic situation is generally more perilous, as they receive fewer social services than those in the camps.

3.109 Some Sri Lankan Tamils in India, particularly those who are born in India, seek Indian citizenship and have tested legal options to this end (for example, by seeking citizenship on the basis of historical Indian ancestry). To date, only a small number, in very specific circumstances, have been successful. The Tamil Nadu State Government has been investigating citizenship options for Sri Lankan Tamils, although there are currently limited pathways under India's Constitution, *Citizenship Act (1955)* and *Citizenship Amendment Act (2019)*.

3.110 Following the end of the war in 2009, Indian and Sri Lankan governments have encouraged Sri Lankan Tamils living in Tamil Nadu to return to Sri Lanka, through voluntary repatriation assisted by the United Nations High Commissioner for Refugees (UNHCR). Only a small proportion have done so, mostly older people with strong familial and social networks and land title in Sri Lanka (UNHCR facilitated 9,705 returns between 2011 and May 2022). Economic conditions in Sri Lanka, uncertainty over land and housing, limited resettlement assistance from the Sri Lankan Government and fears of harassment for those who may have been associated with the [LTTE](#) have deterred large-scale returns. Difficulties in obtaining required documents to facilitate return, including Indian exit permits and, in the case of those born in India, Sri Lankan citizenship and [National Identity Cards \(NICs\)](#), are reportedly other disincentives. According to in-country sources, some Sri Lankan Tamils living outside of the camps may have to pay fines to return to Sri Lanka, although UNHCR can reportedly have the amount reduced (typically to 100,000 Indian rupees, or approximately AUD1,800).

3.111 UNHCR provides a reintegration cash grant of LKR100,000 (approximately AUD465) and onward transportation assistance to those who return to Sri Lanka, as well as legal advice in relation to housing, land and property issues. Those returning informally (i.e. outside of UNHCR processes) are not eligible for this assistance. The International Organization for Migration (IOM) also provides pre- and post-departure support services, including in relation to documentation and livelihoods. Sri Lankan Government resettlement assistance largely ceased in 2019.

3.112 UNHCR-facilitated voluntary returns paused for 18 months during the COVID-19 pandemic, recommencing in October 2021. Returns paused again in May 2022 (due to social unrest associated with Sri Lanka's [economic crisis](#)), and recommenced in February 2023. Between February and October 2023, only limited numbers of Sri Lankan Tamils were repatriated. While some return to reunite with families and communities, one of the key reasons cited in favour of repatriation is the prospect of obtaining a full Sri Lankan [passport](#) for their children, which creates opportunities for their children to travel for study or work. In-country sources reported they thought the pace of returns may increase with the resumption of a passenger ferry service between Tamil Nadu and Sri Lanka, which partially resumed after nearly four decades on 14 October 2023 and allows for higher luggage capacity (up to 60kg per passenger) than air travel. The service was suspended from late October 2023 to January 2024, for the monsoon season. Direct daily flights between Chennai and Jaffna have operated since July 2023.

3.113 In July 2023, the Sri Lankan Government announced it would issue multi-country passports in Chennai to Sri Lankan Tamils living in India. This would allow some Sri Lankan Tamils to travel to a third country direct from India, without having to return to Sri Lanka to obtain a passport. Previously, the Sri Lankan Deputy High Commission in Chennai could only issue one-way passports to Sri Lankan Tamils in India, including for children born in India, who then had to return to Sri Lanka to apply for a normal passport. DFAT understands eligible Sri Lankan Tamils in India can now apply for multi-country passports, and that some

multi-country passports have been issued. To apply, a Sri Lankan [NIC](#) and [birth certificate](#) are required. Applicants without appropriate identification need to return to Sri Lanka on a one-way passport. DFAT understands multi-country passports will be valid for 10 years and cost 11,000 Indian rupees (approximately AUD200). One-way passports to Sri Lanka are free. Multi-country passports, once issued, will provide additional legal options for Sri Lankan Tamils in India to travel to third countries. According to in-country sources, most people wanted to use this passport to join family members in Canada and the United Kingdom, as well as in Australia.

3.114 Small numbers of Sri Lankan Tamils have sought refuge in Tamil Nadu since March 2022, amid Sri Lanka's economic difficulties. New arrivals are housed in the Mandapam camp in Rameswaram District (700km south of Chennai) and provided food, clothing and shelter (they are not accepted into camps housing long-term residents). DFAT understands that some illegal movements between Sri Lanka and Tamil Nadu continue to occur. There is potential for Sri Lankan nationals found in Tamil Nadu who do not have legal status to be in India to be sent to the Trichy Special Camp (prison) until their cases are heard and they are deported to Sri Lanka.

3.115 In-country sources reported that Sri Lankan Tamils who recently returned from India had not experienced official harassment or discrimination, nor threats to their security, since returning to Sri Lanka. In-country sources told DFAT that processing of returnees from India was straightforward and involved routine questions from Sri Lankan immigration, and that recent returnees did not face social stigma. In-country sources reported returnees' primary concerns were gaining access to suitable land and housing, and finding jobs to match their qualifications, rather than discrimination or threats to their security.

3.116 DFAT is not aware of returnees from Tamil Nadu being detained for real or perceived links to the [LTTE](#), although few former LTTE members are thought to have returned to Sri Lanka from Tamil Nadu. DFAT understands a small number of low-profile former LTTE members, who performed low-level, non-combat functions for the group, have returned to Sri Lanka from Tamil Nadu with UNHCR assistance.

3.117 DFAT understands some Sri Lankan Tamil returnees from India have secretly returned to India, primarily due to limited livelihood opportunities and resettlement assistance in Sri Lanka. Previously repatriated persons who return to Tamil Nadu are unable to reclaim their legal status in India (or to be accepted into camps housing long-term residents) and, with it, their right to a broader range of social security benefits.

3.118 Children born to Sri Lankan Tamils in Tamil Nadu are eligible for Sri Lankan citizenship. To obtain Sri Lankan citizenship, their birth must be registered with the Sri Lankan Deputy High Commission in Chennai and a citizenship application submitted. In-country sources reported that this process can be cumbersome and require extensive documentation, although NGOs and UN agencies can assist. In-country sources reported that some Sri Lankan Tamil youth wished to return to Sri Lanka insofar as it was their only legal pathway to a recognised citizenship and, with it, pathways to legal migration to third countries (see paragraphs 3.112 and 3.113).

3.119 According to in-country sources, individuals born in India to Sri Lankan citizens who have not been registered with the Sri Lankan Deputy High Commission in Chennai, or submitted a Sri Lankan citizenship application, and who have unsuccessfully sought asylum in a third country, must be issued with a [temporary travel document](#) by the Sri Lankan High Commission or Embassy in that country to return to Sri Lanka. To obtain a temporary travel document from the Sri Lankan diplomatic mission, the individual must provide the birth certificate of at least one of their parents and their parents' marriage certificate (some missions may also request their Tamil Nadu camp registration card). DFAT understands that individuals meeting this profile are cleared by immigration officials with minimal difficulty on arrival in Sri Lanka, and they are free to apply for Sri Lankan citizenship once they have registered their birth with the Central Record Room of the Sri Lankan Government's Registrar General's Department. To apply for citizenship, they must submit their birth

certificate; parents' birth certificates; parents' marriage certificate; the travel document they used to return to Sri Lanka (as issued by the Sri Lankan diplomatic mission in the country where they failed to secure asylum); their Tamil Nadu camp registration card or a police report; documents relating to their paternal and maternal grandparents; and a letter from their *grama niladhari* (for proof of Sri Lankan residency). Once their citizenship application is accepted, the SIS undertakes a verification process, which, according to in-country sources, can take a minimum of three to six months. Once the verification process is complete, the applicant is required to pay a penalty charge of LKR5,750 (approximately AUD27) and then Sri Lankan citizenship will be issued (for delayed citizenship applications, an annual penalty of LKR500, or approximately AUD2.30, applies). In-country sources told DFAT this process can take between one to two years in total. Once in possession of Sri Lankan citizenship, individuals meeting this profile may then apply for an [NIC](#).

3.120 DFAT assesses that Sri Lankan Tamils returning from India face a low risk of official harassment or societal discrimination in Sri Lanka. Those with links to the [LTTE](#) may be subjected to monitoring. Migration to a third country is highly attractive for Sri Lankan Tamils in India given the challenging economic conditions in Sri Lanka, limited formal employment and citizenship pathways in India, and limited Sri Lankan Government resettlement assistance. People smugglers are active in marketing the idea of illegal maritime ventures to third countries to Sri Lankan Tamils in India. International media has reported about Sri Lankan Tamils recently travelling to India to join illegal maritime ventures to third countries.

## Civil society and human rights organisations

3.121 The constitution guarantees freedom of speech and expression, freedom of peaceful assembly and freedom of association. NGOs representing a broad range of interests and causes, including those relating to human rights and minority communities, operate in Sri Lanka. Civil society was highly active during the [Aragalaya protests](#) that overthrew the government of Gotabaya Rajapaksa.

3.122 NGOs must register with the National Secretariat for Non-Governmental Organizations (under the Ministry of Public Security) and submit quarterly work plans and progress reports. In February 2024, over 600 NGOs were registered at the national level. In addition to registering nationally, many NGOs are directed to register with Divisional Secretariats in the district in which they operate (a requirement introduced during the presidency of Gotabaya Rajapaksa, but which does not have formal legal basis and is therefore applied inconsistently). At the time of publication, the Wickremesinghe Government was in the process of introducing new legislation to regulate the NGO sector. The proposed legislation is designed to strengthen government oversight of the sector, including foreign sources of funding.

3.123 NGOs working on sensitive issues, particularly in the north-east, continue to report monitoring and harassment. NGOs working on sensitive matters such as, but not limited to: those related to the civil war (e.g. accountability for alleged historical human rights violations, the status of missing persons and land disputes); who advocate for minority rights; and/or who are known to engage with the international community, including individuals or entities who participate in HRC processes, have reported receiving visits and telephone calls from the police or intelligence agents, being questioned about their funding sources, foreign contacts and travel histories, and having their offices searched and documents seized. According to in-country sources, plain clothed police and/or intelligence officers had often attended public events organised by civil society organisations. Some civil society actors in the south reported being monitored in the context of the [Aragalaya](#) protests, including lawyers openly critical of the government's response. In-country sources reported that monitoring continued. DFAT is not aware of recent incidents of physical violence, intimidation or enforced disappearances of NGO workers or civil society activists, beyond monitoring.

3.124 The operating environment for some NGOs can be challenging, particularly NGOs in the north-east or those working on issues considered sensitive. DFAT assesses that, while NGOs meeting this profile can experience harassment in the form of state monitoring and questioning, the intensity of this harassment has reduced, and such NGOs face a low risk to their security. DFAT assesses that, overall, most NGOs can operate freely.

## Whistleblowers

3.125 People who expose corruption, including public servants, are sometimes subjected to threats, harassment and violence from those whom they expose and their networks. DFAT understands there is particular reluctance to report corrupt activities involving high-level actors, state agents and/or people with influence, for fear of reprisals to themselves and their families. Whistleblowers in these circumstances have limited recourse to state protection unless they themselves are connected politically or with the police. DFAT is aware of a whistleblower case in Jaffna in which state actors were reportedly involved in illegal sand mining where the whistleblower was warned to stop and, after refusing, was reportedly threatened and assaulted. Police officers from the CID were targeted for their investigations into emblematic cases of killings or enforced disappearances reportedly involving members of the then-government, including members of the Rajapaksa family. Two CID investigators, Inspector Nishantha Silva and Director Shani Abeyesakara, were accused by a Presidential Commission of Inquiry established by Gotabaya Rajapaksa of fabricating evidence, forgery and wrongful confinement in their investigation of these cases. Nishantha Silva sought and received asylum in Switzerland following Gotabaya's election. Abeyesakara was demoted and placed in pre-trial detention in July 2020, granted bail in June 2021 and acquitted in August 2023.

3.126 A new *Anti-Corruption Act*, adopted in July 2023, codifies legal protections for whistleblowers. These include the right to confidentiality in legal proceedings and physical protection where a whistleblower may be subjected to intimidation, harassment, injury or threat. The *Anti-Corruption Act (2023)* also protects whistleblowers from civil or criminal liability, reprisals or other forms of disciplinary action for providing information that exposes corruption.

3.127 DFAT assesses that whistleblowers who expose powerful political, business or criminal interests face a moderate risk of intimidation and, potentially, violence. DFAT further assesses that whistleblowers in such circumstances have limited state protection.

## Media and journalists

3.128 The constitution guarantees freedom of speech and expression. Reporters Without Borders ranked Sri Lanka 135 out of 180 countries in its World Press Freedom Index for 2023, an improvement of 11 places from a year earlier. Sri Lanka was considered one of the world's most dangerous places for journalists during and immediately following the civil war. Several high-profile journalists critical of the government were killed or went missing, for which no accountability had been established at the time of publication. The situation for journalists has since improved greatly. According to Reporters Without Borders and the Committee to Protect Journalists, one journalist or media worker has been confirmed to have been killed in Sri Lanka as a result of their work since 2009.

3.129 Sri Lanka's media landscape is highly consolidated. State-owned media outlets dominate, while the largest private media group (Lake House) owns more than half of the country's publications. Independent media content is limited and almost entirely electronic. State-owned and independent media outlets publish and broadcast in Sinhala, Tamil and English. The Press Council, under the authority of the Ministry of Mass Media, regulates the press sector. Fake or defamatory newspaper articles can be referred to the Press

Council for investigation and possible legal action. The government estimates there are 4,000 journalists working in Sri Lanka's mainstream media, including part time and freelance journalists.

3.130 Journalists openly criticise the government, generally without fear of retaliation. Colombo-based media outlets operate with the greatest freedom, although in-country sources said this can be conditional on avoiding certain topics, including human rights and politicians' personal lives. According to in-country sources, Tamil journalists reporting on human rights in the north-east (including alleged historical human rights violations, missing persons, land disputes and war commemorations) continued to experience harassment. Some journalists were detained and/or assaulted by security forces while covering the [Aragalaya protests](#) in Colombo.

3.131 In-country sources told DFAT it was not uncommon for journalists who reported on sensitive issues in the north to be questioned about their reporting, including through visits or telephone calls. As a result, journalists often self-censor. According to in-country sources, the space for journalists in the north had improved slightly under the current government, although they continued to be monitored. In-country sources reported that monitoring was more subtle today, and included surveillance by plain clothed officers and the collection of information from the community, such as in relation to a person of interest's movements and personal life. According to in-country sources, a journalist in the north was asked to tone down their reporting during a call from military intelligence, during which the caller also made reference to recent, otherwise undisclosed changes in the journalist's personal circumstances.

3.132 Tamil journalists, including Batticaloa-based journalists Balasingham Krishnakumar and Selvakumar Nilanthan, have been summoned for questioning by the TID in Colombo for allegedly supporting and seeking to revive the LTTE. Nilanthan, a freelance journalist and secretary of the Batticaloa District Journalists Association, who has reported on the *Aragalaya* protests and investigated reports of local government corruption in Batticaloa, has been subjected to repeated harassment since 2016, including questioning on multiple occasions by the TID and CID. NGOs and human rights defenders reported that, during questioning, Nilanthan was asked for his income sources and the login details of his social media, email and bank accounts.

3.133 Social media platforms, particularly Facebook, are popular and usage is widespread. The government has periodically blocked access to social media platforms, including during *Aragalaya* protests in April 2022 (access was restored after 16 hours) and following communal clashes between Buddhists and Muslims in March 2018 (reportedly to restrict the spread of hate speech, see [Muslims](#)). In April 2022, police arrested Anuruddha Bandara, the administrator of the Facebook group 'Go Home Gota', on suspicion of publishing material that could cause public unrest. Bandara was granted bail on the day of his arrest and the case against him was dropped in June 2022.

3.134 The new *Online Safety Act (2024)* regulates online content and enhance user safety, and mandates the establishment of an Online Safety Commission to consider complaints regarding content considered false, distressing or otherwise harmful. The five-member Online Safety Commission will have broad-ranging powers to issue regulations and directives affecting online platforms and actors, and to impose fines on, shut down or block access to platforms it assesses as non-compliant. People posting content deemed illegal by the Commission will be liable to fines and jail terms of up to five years. The government says the law is designed to combat cybercrime, including child abuse, data theft, online fraud and online harassment. Civil society, which previously challenged the draft law's constitutionality in the Supreme Court, has expressed concern the *Online Safety Act (2024)* will restrict freedom of expression. The Asian Internet Coalition, an industry association which counts Apple, Amazon, Google, Meta and X (formerly Twitter) as members, has described the new law as 'unworkable'.

3.135 DFAT assesses that journalists can generally operate freely, without undue interference from authorities. However, DFAT assesses journalists covering sensitive topics – including, but not limited to,

those related to the war – face a moderate risk of official harassment in the form of monitoring and questioning by authorities.

## Women

3.136 The constitution prohibits discrimination on the grounds of sex. The *Prevention of Domestic Violence Act* (2005) criminalises domestic violence and rape, although marital rape is an offence only if the couple is legally separated. Sexual harassment carries a maximum penalty of five years' imprisonment. Perpetrators of sexual harassment may also be ordered to pay compensation to their victims. Women have equal rights to men under civil and criminal law; however, in some communities, including the Muslim community, family matters including marriage, divorce, child custody and inheritance are governed by personal customary laws, which tend to favour men.

3.137 The legal minimum age of marriage is 18, although Muslims can marry at a younger age according to Islamic personal law (see Muslim women). Although child marriage occurs, it is not prevalent. In-country sources told DFAT that child marriage occurred most frequently within the Muslim community and in those parts of the Northern Province most affected by the civil war (e.g. Mullaitivu). Sexual intercourse with a girl younger than 16 years amounts to statutory rape under the law, although this provision does not apply to married Muslim girls older than 12. Forced marriage is uncommon in the north – where it occurs, in-country sources told DFAT that it usually involved a woman being forced to marry somebody from the Tamil diaspora. Abortion is illegal except for the purpose of saving the life of the mother (it is a criminal offence for any other reason).

3.138 Sri Lanka has low rates of maternal mortality and high rates of female educational attainment. More women graduate from university than men (15.6 per cent of women have received a tertiary education, compared to 8.7 per cent of men). Nevertheless, women form the majority of the working poor and are over-represented in the informal economy (67 per cent of workers) and in low-paying jobs in the garment and textiles sectors. Overall, female participation in the labour force (30.6 per cent) significantly lags male participation (68.5 per cent); conservative, patriarchal social norms regarding women's role in the home and family (and associated gender stereotypes, whereby women are seen as the primary caregivers and men as the primary breadwinners), unpaid household and carer responsibilities, and a lack of affordable and quality childcare services are contributory factors. The World Economic Forum, in its June 2023 Global Gender Gap Report, ranked Sri Lanka 124 out of 146 countries for economic participation and opportunity, indicating a high degree of inequality. The IMF has highlighted improvement in women's labour force participation as a condition of its bailout program.

3.139 Sri Lanka's economic crisis has had a significant impact on women, including by disrupting sexual and reproductive health services and access to emergency maternal health care and contraception. According to the UNFPA, some women due to give birth were reportedly asked to supply gloves, blades and other basic materials needed for childbirth when visiting public hospitals. According to in-country sources, economic hardships had forced more women to engage in commercial sex.

3.140 Women are active in politics and have held high-level political positions, including those of president and prime minister. Sirimavo Bandaranaike, elected in July 1960, was the first female prime minister in the world. In 2017, parliament adopted legislation mandating a 25 per cent quota for women's representation at the local and provincial government levels and, in 2018, Colombo elected its first female mayor. Nevertheless, as in the economy, women are severely under-represented in politics. At the time of publication, women held less than 6 per cent of seats in parliament and one ministerial position in the Wickremesinghe Government (Minister of Wildlife and Forest Conservation and Minister of Irrigation Pavithra Devi Wanniarachchi). Women have had the right to vote since independence in 1948.

3.141 In March 2023, President Wickremesinghe launched a national policy on gender equality and women's empowerment. The policy includes a number of bills and proposed legislation to promote equal rights for women and increase their labour force participation, including a Gender Equality Bill. In the same month, Sri Lanka adopted its first National Action Plan on Women, Peace and Security. At the time of publication, the establishment of an independent National Women's Commission and ombudswoman to promote women's rights and gender equality were under consideration.

3.142 Gender-based violence (GBV) against women is widespread: a 2019 survey found one in four Sri Lankan women had experienced physical and/or sexual violence since the age of 15. GBV is most likely to occur in a domestic setting, typically at the hands of an intimate partner. Victims of domestic violence can obtain a 12-month protection order, although in-country sources told DFAT most cases went unreported. Fear of retaliation from the perpetrator, shame and sociocultural norms (whereby family disputes are expected to be kept private) discourage women from reporting to the police and seeking support. In-country sources said that domestic violence was a countrywide problem that was not specific to any particular region or community. In-country sources reported that the incidence of domestic violence had increased in the last three years, coinciding with income losses and economic pressures borne by the [economic crisis](#) and COVID-19 pandemic lockdowns (and, with them, growing alcohol and drug abuse).

3.143 According to in-country sources, sexual harassment and sexual violence (including sexual abuse) toward women was prevalent, particularly on public transport. Prevalence has reportedly increased in the last two years, with underage (and often incestuous) pregnancies a growing concern. In-country sources reported that victims of sexual harassment and sexual violence were reluctant to report to the police or seek medical support due to a feeling of shame, risk of social stigma and, should their experience become widely known, a fear they would be unable to marry.

3.144 Support services are available for victims of GBV and sexual harassment, although public funding levels decreased with the economy's collapse. Women's and Children's Units attached to Divisional Secretariats provide counselling and socioeconomic support services to victims. The government also provides legal aid and counselling through officers attached to the National Committee on Women (part of the Ministry of Women, Child Affairs and Social Empowerment). Women can report harassment and abuse at dedicated women's desks at public hospitals and police stations. The Children and Women Abuse Bureau of the Sri Lanka [Police](#) has 1,500 officers in 45 stations throughout the country, and receives capacity building support from foreign law enforcement. In-country sources reported that the Bureau was overworked and under-resourced, often resulting in substandard facilities and counselling in regional areas. Women can also file complaints through a 24-hour help line operated by the National Committee on Women. Between January and June 2021 (the latest period for which data is available), this help line received 2,157 complaints of violence, sexual harassment or discrimination against women (most – 1,461 – related to domestic violence). NGOs likewise provide support services, including legal, counselling and psychosocial support. One of the most prominent, Women In Need, operates a 24-hour emergency help line, available in Sinhala, Tamil and English. Women In Need alerts the police where a woman has reported experiencing violence, provides legal aid and operates several women's shelters.

3.145 Women's shelters, operated by the government and NGOs, provide temporary accommodation, mental health care, counselling and legal assistance for victims of GBV. There are at least 11 women's shelters in Sri Lanka, including in Colombo, Jaffna, Mullaitivu, Batticaloa, Matara (Southern Province), Gampaha (Western Province), Anuradhapura (North Central Province), Monaragala (Uva Province) and Ratnapura (Sabaragamuwa Province). To access a shelter, a woman must have a court order, or a police or hospital referral. Women can remain at a shelter for up to six months. Women can be accompanied by their children for a limited time (one month according to in-country sources). Separately, according to in-country sources, girls under the age of 18 can access safe houses run by the National Child Protection Agency, including in Kilinochchi.

3.146 While in-country sources reported the availability and awareness of support services for women had improved, they also said they remained inadequate. In-country sources told DFAT that [police](#) and [judicial](#) responses to domestic violence can lack sensitivity. Police often did not take complaints seriously, were not adequately trained to collect evidence in cases of sexual assault, and victims could experience a lack of empathy from male officers. Where cases proceeded to court, suspended sentences were common.

3.147 DFAT assesses that women generally face a low risk of official discrimination and a moderate risk of GBV, including domestic violence, sexual harassment and sexual assault. While state protection mechanisms and support services are available, they are inadequate and lack capacity. Women also face significant cultural and institutional barriers to state protection. For specific assessment of the experience of women in the north and east, see below.

### Conditions for women in the north and east

3.148 Thousands of women in the north-east lost husbands and other family members during the war. Some were active participants in the [LTTE](#) and some were forcibly recruited (the LTTE had a dedicated female military wing). The 2011 UN Secretary-General's Panel of Experts and 2015 [OISL](#) outlined allegations of war-time sexual violence against Tamil women that would constitute war crimes. DFAT considers reports of sexual violence against female former LTTE members held in detention camps in 2009 and 2010, and in military-run [rehabilitation centres](#), to be credible. In-country sources reported that sexual harassment of women by military personnel was known to occur in the north in the immediate post-war period, but was now rare.

3.149 Support services are available for women in the north-east. Like elsewhere in the country, Divisional Secretariats have Women's and Children's Units, which provide counselling and other support services to victims of GBV (at the time of publication, there were 35 units operating in the north-east). Similarly, the Children and Women Abuse Bureau of the Sri Lanka Police has a presence in Tamil-majority areas. Batticaloa Teaching Hospital (the main public hospital in Batticaloa) has a GBV care centre. NGOs are also active, including in operating shelters. In-country sources told DFAT there were currently three shelters in the Northern Province (Jaffna, Mullaitivu, Kilinochchi), with plans to establish a fourth (in Mannar). There is one women's shelter in Batticaloa (managed by Women In Need). In-country sources told DFAT that support services for women in the Eastern Province compared favourably to, and in some cases were superior to, services available in Colombo.

3.150 Language is a barrier to state protection for Tamil-speaking women in the north-east who experience GBV – most police officers are Sinhalese and do not speak Tamil. According to in-country sources, a dearth of female officers at police stations, fears regarding community perception and social stigma (should they report their husbands) can deter women from going to the police. In-country sources told DFAT that, where incidents were reported, women were sometimes encouraged by the police to return home and resolve the matter with their husband, running the risk of re-victimisation.

3.151 According to in-country Tamil sources, female former LTTE combatants had low status within the Tamil community. Many work on military-run farms as part of the Civil Security Department (also known as the Civil Defence Force, an auxiliary force administered by the Ministry of Defence). In-country Tamil sources told DFAT female former LTTE combatants who worked on military-run farms were relatively well paid, and there was an 'unspoken agreement' that these women also worked as informants for the military, feeding community suspicion. Community perceptions that female former LTTE combatants were subjected to sexual violence during the war can hinder their ability to marry.

3.152 Like elsewhere in Sri Lanka (see [Women](#)), while state protection and support services for women exist in the north-east, DFAT assesses they are generally inadequate, lack capacity and can be difficult to access, including due to language barriers. DFAT assesses women who fought for the LTTE, whether they

were forcibly conscripted or not, also face a moderate risk of societal discrimination and a low risk of official harassment, particularly if working for the Civil Security Department.

### Female-headed households

3.153 High male death rates and disappearances during the war left significant numbers of female-headed households in Sri Lanka. Nearly one-quarter of households are female-headed, mostly in the north-east. Female-headed households can also include the never married and divorced.

3.154 Female-headed households are vulnerable to poverty and sexual exploitation. Many are indebted, having taken out high interest rate loans from [microfinance companies](#). Employment conditions and general quality of life for female-headed households has declined with the economic crisis, and female-headed households are more likely to be food insecure. According to the US Department of State, some women have reported requests for sexual favours by officials in exchange for information about missing husbands or government services and benefits.

3.155 The government and NGOs provide some livelihood, housing and psychosocial support to female-headed households, although in-country sources reported it was minimal and generally inadequate. Those with children are eligible for a modest monthly government payment, starting at LKR500 (approximately AUD2.30) and increasing with each child. As at the time of publication, the government was updating a National Action Plan on Women Headed Households (developed in 2019) to better identify the particular vulnerabilities of female-headed households and develop support strategies.

3.156 Divorce is more common in Sri Lanka today than in previous generations, particularly in major urban centres like Colombo and among the middle-class. Divorce is less common in rural areas and within more religious communities, owing to more conservative attitudes and greater social stigma. Legal procedures for obtaining divorce are lengthy (up to 10 years according to in-country sources) and restrictive. Currently, to obtain a divorce, an applicant must prove one of three grounds in court: (1) adultery by their spouse; (2) malicious desertion; or (3) impotency at the time of marriage. Aside from divorce, a marriage can be nullified if one or both spouses were below the age of 18 at the time of marriage. Spouses can also seek separation without formally dissolving the marriage. Legislative processes to make divorce easier were ongoing at the time of publication, including through a proposed *Matrimonial Causes Act*, which, if adopted, would recognise the 'no-fault basis' principle for divorce and therefore reduce the burden on the applicant. Under this principle, a court can grant divorce where it is satisfied a marriage has irretrievably broken down for whatever reason and the parties cannot continue their marriage peacefully. A proposed *Recognition of Foreign Divorce Judgments Act*, meanwhile, would accept divorces granted in overseas courts in Sri Lanka.

3.157 In-country sources reported that there was some social stigma attached to single women. Traditional attitudes dictate that women should marry by a certain age and bear children, and aspersions are cast on those women who fail to meet – including by choice – these societal expectations. However, in-country sources told DFAT that single women were frequently able to live full lives in urban areas and in villages, where they often had extended family networks and their capacity to support family members – including elders, nieces and nephews – was valued.

3.158 DFAT assesses that female-headed households generally face a low risk of official or societal discrimination. Like women more broadly, female-headed households face a moderate risk of GBV, including sexual harassment and assault. Authorities may monitor female-headed households with suspected family links to the LTTE. DFAT assesses that single women face a low risk of official or societal discrimination.

## Muslim women

3.159 Marriage in the Muslim community is governed by the *Muslim Marriage and Divorce Act* (1951) (MMDA). The MMDA is derived from *sharia* law and applies only to Muslims. The constitution affirms the validity of the MMDA and unwritten customary laws even where inconsistent with [fundamental rights](#). A court system known as *Quazi* implements the MMDA. In accordance with the MMDA, only men can serve as *Quazi* judges (they do not require formal legal training). *Quazi* rulings generally favour men.

3.160 In-country Muslim sources reported that the MMDA was highly discriminatory against Muslim women. The MMDA allows polygamy, permits the marriage of girls as young as 12, allows marriages to be registered without a woman's consent, and prohibits women from serving as *Quazis*. Government efforts to review and reform the MMDA, including making 18 the minimum age of marriage, banning polygamy, introducing minimum educational requirements for *Quazi* members and allowing women *Quazis*, are longstanding, but have faced opposition, including from Muslim MPs. The MMDA remained unreformed at the time of publication. Muslim women who advocate for MMDA reform and other rights for Muslim women have experienced harassment and bullying from Muslim community leaders and other members of the community.

3.161 The MMDA does not recognise marital rape, and the *Quazi* court system does not have jurisdiction for domestic violence cases. In-country Muslim sources told DFAT that *Quazis* often asked Muslim women to tolerate domestic violence and return to their husbands. According to in-country sources, the mindset of the *Quazi* was the same, if not worse, than the police in this regard. Muslim women can access redress under the *Prevention of Domestic Violence Act* (2005). In practice, many do not. According to the Muslim Personal Law Reforms Action Group, even fewer Muslim women access protection orders as a domestic violence intervention compared to other groups of women.

3.162 In-country sources reported that the large-scale detention of Muslim men following the [Easter Sunday terrorist attacks](#) in April 2019 created a cohort of Muslim female-headed households. According to in-country sources, most Muslim women did not participate in the labour force. In the absence of their husbands, some reportedly withdrew their children from school and, in extreme cases, engaged in commercial sex to survive.

3.163 Female genital mutilation (FGM, also known in Sri Lanka as 'Sunnat' or 'Khatna') is known to occur within the Muslim community. According to the US Department of State, the practice is particularly prevalent within the small [Dawoodi Bohra](#) community, where it is considered a mandatory ritual. In 2018, the Ministry of Health issued a circular prohibiting medical practitioners from performing female genital cutting; however, it is yet to be criminalised. According to in-country sources, female genital cutting is typically performed by a female Muslim elder rather than a medical professional.

3.164 DFAT assesses that Muslim women face a high risk of official discrimination in relation to personal status because of the MMDA, as currently constituted. Muslim women who advocate for equitable rights face a moderate risk of societal discrimination from within the Muslim community. DFAT assesses that the MMDA does not protect women from marital rape. Muslim women, particularly those in the Dawoodi Bohra community, face a high risk of FGM.

## Sexual Orientation and Gender Identity

3.165 Same-sex intercourse is illegal, even when consensual. The constitution does not protect freedom of sexual orientation, and no laws exist to protect discrimination on the basis of sexual orientation, gender identity or expression.

3.166 Under the *Penal Code* (1885), it is a criminal offence to engage in ‘carnal intercourse against the order of nature’ (section 365) and ‘acts of gross indecency with another person’ (section 365A). These provisions are commonly understood to apply to sexual acts between same-sex persons and can attract sentences of up to 10 years’ imprisonment. Section 399 (‘cheating by impersonation’) and the *Vagrants Ordinance* (1841), which empowers the police to detain people considered to be loitering in public, have also been known to be used against members of the lesbian, gay, bisexual, transgender, queer, intersex or asexual (LGBTQIA+) community. Today, these laws are generally not enforced in practice.

3.167 Equal Ground, a local NGO, estimates that up to 12 per cent of the population identified as LGBTQIA+ in 2021. The survey found the highest percentage of LGBTQIA+ people, relative to population, live in the North Western and North Central provinces. The Western Province (which includes Colombo) has the highest overall number of LGBTQIA+ people in Sri Lanka.

3.168 There have been recent positive developments with respect to the LGBTQIA+ community. A bill to decriminalise same-sex relations was introduced in August 2022 and gazetted for parliamentary consideration in March 2023. The Supreme Court confirmed the bill’s constitutionality in May 2023. President Wickremesinghe says his government will not oppose the bill and, in the meantime, committed not to enforce Penal Code provisions relating to consensual same-sex intercourse. A national policy on gender equality and women’s empowerment, launched in March 2023, includes progressive references to the transgender community and diverse gender identities. In 2022, Sri Lanka Police appointed a dedicated Deputy Inspector General to work toward more sensitive interactions with, and policing of, the LGBTQIA+ community. As part of this process, Sri Lanka Police issued non-binding guidelines to police stations on non-discriminatory policing of the transgender community. In August 2021, the Sri Lanka College of Psychiatrists, the main medical body on mental health and psychiatry, declared that it did not consider homosexuality a [mental illness](#) and called for its decriminalisation.

3.169 In-country sources reported that community attitudes toward same-sex relations were slowly shifting in a progressive manner, particularly in Colombo and other major urban centres. Educated and urban Sri Lankans are generally more tolerant, and people who fit this profile and move within upper and middle-income circles can be more open about their sexuality. In-country sources told DFAT they could speak more openly today about LGBTQIA+ issues and had greater freedom to organise LGBTQIA+ events. In-country sources reported the level of risk faced by the LGBTQIA+ community differed from place-to-place, with risks perceived to be lowest in major urban centres, which have more active communities and support networks. Colombo is considered the most liberal and progressive, and members of the LGBTQIA+ community are known to relocate there. The LGBTQIA+ community in Colombo holds annual Pride activities (‘Colombo Pride’). Pride marches were held in Colombo for the first time in 2022 and again in June 2023. Pride marches were also held in Jaffna in 2022 and 2023. In-country sources said there was a growing LGBTQIA+ community in the east, and people were more likely to be open about their sexuality than 10 years ago, although less so compared to the north. Nevertheless, overall attitudes to the LGBTQIA+ community remain hostile, particularly in rural areas and among [Muslims](#).

3.170 In-country sources told DFAT that, while it was rarely enforced, police used the threat of arrest under the law to harass members of the LGBTQIA+ community, including to demand money or sexual favours. In Jaffna, same-sex couples holding hands in public can be harassed in this way. Incidents of harassment against members of the LGBTQIA+ community largely go unreported. Victims are apprehensive to file complaints owing to concerns about their safety and a reluctance to bring attention to their sexual orientation. Of 235 human rights violations documented by Bridge to Equality, an NGO, against the LGBTQIA+ community between August 2021 and March 2023, 160 were not reported to the police. Most of the alleged violations (96) involved the police themselves.

3.171 According to in-country sources, members of the LGBTQIA+ community faced threats, physical and/or verbal abuse from family members, and may be forced into heterosexual marriage. In-country sources told DFAT that members of the LGBTQIA+ community concealed their sexual identity or left home in order to avoid family harassment and abuse. In a first-of-its-kind ruling, in August 2022, a Colombo court granted a lesbian woman an interim protection order against her parents, who had subjected her to abuse because of her sexual orientation. ‘Conversion therapy’ is permitted in Sri Lanka, and some families are known to forcibly seek curative treatment for LGBTQIA+ family members at dedicated profit-making centres, or through witchcraft.

3.172 In-country sources reported that transgender people and openly gay and lesbian people experienced discrimination and bullying in the workplace, education and healthcare. Ten per cent of respondents to Equal Ground’s 2021 survey reported being refused employment due to their sexual orientation and gender identity, with 12 per cent reporting they were forced out of work, education or their homes. The survey data indicated workplace discrimination was less prevalent in the private sector. Six per cent of respondents reported being refused medical treatment. Of the 235 human rights violations documented by Bridge to Equality against the LGBTQIA+ community between August 2021 and March 2023, 64 involved health workers (the second largest perpetrators, behind the police). Bridge to Equality reported in its study that members of the LGBTQIA+ community experienced physical, sexual and verbal harassment by medical officers and other hospital staff, including forced anal and vaginal examinations and homophobic slurs, during its reporting period. According to Sri Lanka’s National Gender Equality and Women’s Empowerment Policy (2023-2033, adopted in March 2023), members of the LGBTQIA+ community often avoid or delay accessing healthcare, receive inappropriate or inferior care compared to heterosexual people, and may not be treated with confidentiality in healthcare settings. As a result, many members of the LGBTQIA+ community try, where possible, to conceal their sexual orientation (trans men and trans women can be less able to do so). In-country sources reported that gay and lesbian Tamils were generally not open about their sexuality, due to fears of family ostracisation and societal discrimination.

3.173 Insofar as they are more visible, the risks faced by transgender people, particularly trans women, are more acute. Of the 235 human rights violations reported by Bridge to Equality between August 2021 and March 2023, 87 involved trans women. According to in-country sources, it was common for trans women to be beaten by family members or experience physical attacks, verbal abuse and sexual violence from members of the public. Such risks were reportedly more pronounced in Jaffna and Batticaloa, and slightly less so in Colombo. Discrimination, violence and bullying of transgender children is reportedly common in schools, and many do not complete their studies. Employers can be reluctant to hire transgender people, and DFAT is aware of accounts of transgender people being dismissed from their jobs because of their gender identity. While it is broadly possible for transgender people to access healthcare, they often experience harassment and judgmental comments by medical personnel. The Ministry of Health provides specialist psychiatric services to the transgender community.

3.174 In 2016, the Ministry of Health established a Gender Recognition Certificate allowing people aged 18 or above to change their legal gender and amend government-issued identity documents, including NICs. The process for changing legal gender is reportedly onerous: according to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, individuals seeking a Gender Recognition Certificate must undergo a psychiatric evaluation by a medical professional, receive a diagnosis of ‘trans-sexualism’ based on the International Classification of Disease, and undergo hormone and surgical treatment. In-country sources told DFAT that hormone treatment and sex reassignment surgery services were scarce and expensive. They reported that parental consent was required by hospitals for sex reassignment surgery even where the patient was an adult, which created barriers to access. Many people reportedly went to India for surgery. Although post-operational care was available in Sri Lanka, it was inadequate. In June 2023, in-country sources reported that injections required by trans men were unavailable.

3.175 In-country sources told DFAT that lesbian and bisexual women, particularly in rural areas, faced added difficulty being open about their sexuality due to traditional familial expectations and values. In-country sources told DFAT that being a woman in Sri Lanka – as a patriarchal society – was challenging in itself, and the challenge of being a lesbian was greater still. Lesbian women are reportedly pressured by their families into heterosexual marriage and, like most women in Sri Lanka, face harassment in public, including on public transport.

3.176 While the LGBTQIA+ community has some support mechanisms, these are limited overall and are concentrated in urban areas. A small number of local NGOs support LGBTQIA+ rights, through advocacy or provision of services. The most prominent, Equal Ground, based in Colombo, provides legal aid and mental health counselling to members of the LGBTQIA+ community. It also operates a helpline, available in Sinhala, Tamil and English, including separate lines for lesbian women and transgender people. In 2021, Equal Ground was active in 18 of Sri Lanka's 25 districts, and more than 50 towns and villages across the country. There is one LGBTQIA+ shelter in the country (in Colombo). Women's shelters do not accept trans women.

3.177 DFAT assesses that openly gay and lesbian people face a moderate risk of official harassment and a moderate risk of societal discrimination, including a moderate risk of societal violence. DFAT assesses that the level and frequency of harassment and discrimination can differ depending on the socioeconomic status, religion and geographic location of the individual. DFAT assesses that transgender people – trans women or trans men – face a higher level of official harassment and societal discrimination than gay men and lesbian women, and a moderate risk of societal violence. While state protection mechanisms exist for the LGBTQIA+ community, DFAT assesses they are not generally accessible, equitable, effective or protective in practice.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

4.1 The report of the UN's OISL – covering the period 2002 to 2011 – found that grave human rights violations, possibly amounting to war crimes and crimes against humanity, were likely committed during Sri Lanka's civil war, particularly in Tamil-majority areas in the north-east. Likely violations included extrajudicial killings, enforced disappearances and kidnappings for ransom. The report attributed these primarily to state forces, the [LTTE](#) and [paramilitary groups](#). Extrajudicial killings, enforced disappearances and kidnappings for ransom, including incidents involving real or perceived former LTTE members, are no longer common. A culture of impunity exists with regard to those plausibly accused of committing such violations during the war (see [Reconciliation](#)). Several individuals that the UN and others have reported to be implicated in human rights violations occupied positions of influence at the time of publication.

#### Extrajudicial killings

4.2 The incidence of extrajudicial killings by state forces has decreased significantly since the war and immediate post-war period. Today, most victims of extrajudicial killings by state forces are organised criminal figures killed during encounters with police. Where such killings occur, police usually claim to be acting in self-defence or trying to stop a suspected criminal from escaping. According to in-country Tamil sources, extrajudicial killings in these circumstances occurred primarily in the south. The HRCSL recorded 13 'encounter deaths' involving the police between January 2020 and August 2023, including two deaths in the first half of 2023. In December 2023, the HRCSL issued draft guidelines and recommendations to Sri Lanka Police on preventing custodial and encounter deaths.

4.3 Numerous historical cases of high-profile extrajudicial killings, including, but not limited to, journalist Lasantha Wickrematunge and rugby player Wasim Thajudeen, remained unsolved at the time of publication. In March 2020, then-President Gotabaya Rajapaksa pardoned Staff Sergeant Sunil Ratnayake, who was sentenced to death in 2015 for killing eight Tamil civilians (including four children) in the Northern Province in 2000.

4.4 A number of deaths were reported in the context of the [Aragalaya protests](#), including at the hands of security forces. In April 2022, police arrested four officers – including a senior superintendent – for firing at protesters (one protester was killed). In July 2022, four members of the military were arrested in connection to the death of an inmate at the Kandakadu Rehabilitation Centre, a facility in North Central Province used to treat drug users (the military personnel were working as counsellors in the centre at the time) (see also [Arbitrary arrest and detention](#)).

4.5 DFAT assesses the risk of extrajudicial killing at the hands of security forces to everyday Sri Lankans who are not organised criminal figures is low.

## Enforced or involuntary disappearances

4.6 While there is no official figure, the number of missing or disappeared persons in Sri Lanka is thought to rank among the highest in the world. Most disappearances occurred in the context of the [civil war](#) and involved members or perceived supporters of the [LTTE](#). In 2018, the [OMP](#) estimated at least 20,000 people had disappeared without explanation and remained missing since 1983; as of August 2023, the OMP had a caseload of 15,000 people. A small number of disappearances relate to people who have emigrated. Those considered missing or disappeared are presumed to be dead.

4.7 Systematic abductions using unmarked white vans ('white van disappearances'), often leading to enforced disappearances where individuals were never seen again, occurred during the civil war and in the immediate period after. DFAT understands that white van disappearances have not occurred since 2015.

4.8 In May 2016, Sri Lanka ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Parliament passed domestic legislation (the *Enforced Disappearances Act*) to implement the Convention and criminalise enforced disappearance in March 2018. In August 2016, parliament established the OMP to clarify the fate and whereabouts of missing or disappeared persons – including disappearances of an enforced nature – during the civil war and other periods of political unrest or civil disturbance, including Marxist insurrections in the 1970s and 1980s. Although the OMP has been operational since September 2017, it has made limited progress to date (see [Reconciliation](#)).

4.9 In September 2021, the ITJP detailed 15 cases of abduction, torture and rape of Tamils in the north-east by security forces since November 2019, reportedly for participating in LTTE-related commemorative events or protests, or for receiving funds from abroad. At the time of the report's release, the individuals in question were seeking protection in the United Kingdom (see also [Torture](#)). The UN Working Group on Enforced or Involuntary Disappearances did not receive any reports of enforced disappearance between May 2020 and May 2021. There were no reports of enforced disappearance by or on behalf of state authorities in 2022.

4.10 In-country Tamil sources told DFAT they were not aware of recent incidents of state-sanctioned enforced disappearance, including in Jaffna and Batticaloa.

4.11 DFAT assesses that the risk of enforced disappearance, including in the north-east, is low.

## Deaths in custody

4.12 The Department of Prisons reported 130 deaths of prisoners in 2022, down from 147 in 2021. Most were the result of natural causes. The HRCSL, in a study of Sri Lanka's prisons released in November 2020, found examples of 'violence inflicted by prisoners and prison officers which ultimately caused death', often involving inmates suffering from drug withdrawal symptoms or psychological disorders. The HRCSL also found examples of inmates dying as a result of limited and/or delayed access to medical treatment. In November 2020, guards at the Mahara prison in Gampaha District (Western Province) opened fire on rioting prisoners, triggered by panic over a COVID-19 outbreak, killing 11. In June 2022, an inmate died at the Kandakadu Rehabilitation Centre, a facility in Polonnaruwa District (North Central Province) used to treat drug users (see [Arbitrary arrest and detention](#)). A post-mortem attributed the death to blunt force trauma.

4.13 While death in police custody can occur, it is not common. According to the government, 9 people died in police custody between January and November 2021. The HRCSL recorded 24 deaths in police custody between January 2020 and August 2023, including six deaths in the first half of 2023. DFAT is aware of at least two cases of criminal suspects dying in police custody in the second half of 2023.

4.14 Responsibility for suspicious deaths in custody may be established in some cases, but not always. Two police officers were charged and seven faced disciplinary action in relation to the 9 deaths in police custody reported by the government between January and November 2021. Several police officers were suspended in relation to the custodial death of a woman in Welikada (Colombo) in May 2023 (the woman was reportedly beaten). Four counsellors (all military personnel) were arrested in connection to the June 2022 death at the Kandakadu Rehabilitation Centre. In January 2022, a High Court in Colombo sentenced former Prisons Commissioner Emil Ranjan Lamahewa to death for a riot at Welikada Prison in November 2012 in which 27 inmates died, although the first defendant in the case, Inspector of Police Neomal Rangajeewa, was acquitted of all charges.

4.15 In February 2023, the Supreme Court ordered the Inspector General of Police to formulate, issue and implement guidelines to prevent deaths in police custody. The order was in connection to a fundamental rights petition filed by the wife of a man who died in police custody in 2008. The Supreme Court also ordered the state and the individuals concerned to pay separate compensation to the petitioner. In December 2023, the HRCSL issued draft guidelines and recommendations to Sri Lanka Police on preventing custodial and encounter deaths.

## DEATH PENALTY

4.16 Sri Lanka retains the death penalty in law for murder and drug trafficking, but is abolitionist in practice and observes a de facto moratorium on the implementation of the death penalty. The last execution was carried out in 1976. The method of execution is hanging. Under the law, all death sentences are automatically appealed and a legal aid lawyer is appointed to defend the accused. Presidential ratification is required to implement a death sentence. The president commutes some death sentences to life imprisonment to mark religious events and days of national significance. The Penal Code prohibits the imposition of death sentences on persons under the age of 18 or on pregnant women.

4.17 According to the Department of Prisons, 47 death sentences were imposed in 2022 (mostly for murder). Of those sentenced to death in 2022, the majority (28) were Sinhalese. By comparison, 33 death sentences were imposed in 2021, 93 in 2020 and 144 in 2019. According to Amnesty International, as of December 2022, over 1,000 prisoners were on death row.

4.18 In June 2019, then-President Sirisena authorised the resumption of executions, which was overruled by the Supreme Court. While death sentences continue to be imposed, they are being done so at a less frequent rate, and Sri Lanka's longstanding moratorium on the death penalty remains in place. President Wickremesinghe has said he will not implement the death penalty while in office.

## TORTURE

4.19 The constitution and other laws prohibit torture. Sri Lanka ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in January 1994 and, in December 2017, acceded to its Optional Protocol. Except in PTA cases, confessions are inadmissible as evidence in court. The *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act* (1994) makes torture punishable by imprisonment of seven to 10 years (prosecutions and convictions have historically been rare). The Wickremesinghe Government has proclaimed a zero-tolerance approach to torture, including a commitment to investigate all allegations and prosecute suspects where there is sufficient evidence. Investigations into allegations of torture are conducted by the Special Investigation Unit of Sri Lanka Police and monitored by the Prosecution of Torture Perpetrators Unit in the Attorney General's Department.

4.20 Local and international organisations have alleged torture by the military, intelligence and police forces, mostly from the period immediately following the civil war and involving people with imputed links to the [LTTE](#). The 2015 OISL report found that ‘victims of war-related torture perpetrated by Government forces...were generally Tamil, often arrested and detained in Government controlled areas...under the PTA and the Emergency Regulations’. The OISL documented ‘particularly brutal use of torture by the Sri Lankan security forces’ in the immediate post-war period, following the LTTE’s surrender.

4.21 In October 2016, the HRCSL submitted a report to the UN Committee against Torture stating ‘torture to be of [a] routine nature... practiced all over the country, mainly in relation to police detention’. The HRCSL further claimed that police used torture during interrogation and arrest regardless of the nature of the suspected offence. In 2018, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms expressed concern about ‘the routine and systemic use of torture and ill-treatment and the conditions of detention, in particular the inhumane conditions in the high-security wing of the prison in Anuradhapura’.

4.22 The ITJP, in its September 2021 report, documented alleged torture, including the beating, burning, suffocation and sexual assault of 15 Tamils in police and military custody between 2020 and 2021. Thirteen of the reported cases occurred in the Northern Province, and two in the Eastern Province. The torture was allegedly carried out by army officers and members of the TID. At the time of the report’s release, the individuals in question were in the United Kingdom, where they were seeking protection. They reported to have taken part in commemorations for Tamils killed in the civil war, worked as volunteers for Tamil political parties that opposed the government of Gotabaya Rajapaksa or received funds from abroad on behalf of people under surveillance. Three of the 15 individuals said they were former members of the [LTTE](#). DFAT is unable to verify the ITJP’s findings. The ITJP has documented other cases of alleged torture of Tamils, including 76 alleged cases between 2015 and 2017.

4.23 The HRCSL receives hundreds of complaints of physical and/or mental torture in custody annually. In 2022, the last year for which data is available, the HRCSL received 560 such complaints, of which: 419 were received in Colombo; 49 in the Northern Province (24 in Jaffna, 16 in Vavuniya, six in Mannar, three in Kilinochchi); 41 in the North Central Province (all in Anuradhapura); 19 in the Central Province (all in Kandy); 15 in the Southern Province (all in Matara); eight in the North Western Province (all in Puttalam); and eight in the Eastern Province (five in Ampara, one each in Batticaloa, Kalmunai and Trincomalee). In December 2023, the HRCSL reported torture was ‘a recurrent phenomenon in Sri Lanka’.

4.24 Most reports of mistreatment and torture pertain to members of the police. In-country sources told DFAT that police routinely mistreated criminal suspects during their investigations, including as a means of extracting confessions. In-country sources reported that mistreatment could take the form, inter alia, of slapping, kicking, mental abuse and/or threats to one’s family.

4.25 In-country sources reported that mistreatment, possibly amounting to torture, was also common in [prisons](#). The HRCSL, in its November 2020 study, found physical violence was often used as a form of punishment inside prisons, particularly against prisoners from low socioeconomic backgrounds, and formed an ‘integral component’ in maintaining discipline and order. The HRCSL reported prisoners being beaten by instruments such as clubs and wires, often while kneeling or being hung up by their wrists. It further reported that prison officers engaging in violence were rarely sanctioned, leading to a culture of impunity.

4.26 In-country sources reported that the risk of mistreatment and torture was not confined to a particular region or ethnic group – it was a countrywide problem that could affect all communities. In-country sources said people detained for involvement in the drug trade and for suspected terrorism offences under the PTA (under which any statement by a suspect can be admitted as evidence in court, including confessions made under duress) were particularly vulnerable to mistreatment and torture. Lawyers for

detainees facing terrorism charges have reported torture during interrogations by the TID, including at Wannu Security Force Headquarters (also known as Joseph Camp) in Vavuniya, Northern Province.

4.27 Mechanisms exist to submit complaints of torture, including the National Police Commission and the [HRCSL](#). The HRCSL can access any place of detention and has a Rapid Response Unit to conduct immediate visits to sites where torture is alleged. In its November 2020 report, the HRCSL judged its visits had a deterrent effect on prison officers. In February 2022, the HRCSL established a separate National Preventive Mechanism to prevent torture by carrying out visits to detention centres. As of September 2022, the mechanism had visited 15 detention centres, covering more than 500 detainees. As part of its mandate, the HRCSL can investigate complaints and make recommendations to state institutions, including for prosecution, although it lacks prosecutorial powers of its own. In-country sources told DFAT that, while the HRCSL could not bring about prosecutions, it was able to offer some protection by scrutinising places of detention and putting perpetrators on notice. The Supreme Court has jurisdiction to hear and determine complaints of [fundamental rights](#) violations, including torture. In December 2023, in a landmark ruling, the Supreme Court found four police officers, including Deshabandu Tennakoon, the Acting Inspector General of Sri Lanka Police (the head of the force), had committed torture and ordered they pay LKR500,000 (approximately AUD2,320) each in compensation to the victim and face disciplinary action. The victim, a former military officer, had been arrested in 2010 on suspicion of robbery; he complained of being beaten repeatedly and hung by his hands until he confessed to the crime. The torture occurred in Colombo.

4.28 Safeguards to protect against mistreatment and torture exist, although they have historically been ineffective. In July 2021, the Criminal Procedure Code was amended to require magistrates to visit police stations at least once a month to personally ensure suspects in police custody have not been subjected to mistreatment or torture during and after their arrest. Under amendments to the [PTA](#) adopted by parliament in March 2022, the detention of any person under the PTA has to be reported to the HRCSL. Proposed new counter-terrorism legislation would, in theory, further strengthen safeguards for people detained for suspected terrorism offences.

4.29 Risk of torture perpetrated by the military, intelligence or police has decreased since the end of the civil war, but torture continues to be used, including as a routine tool of policing. Because few reports of torture are verified within Sri Lanka, it is difficult to determine the exact prevalence of torture; however, multiple domestic and international sources consider it to be common.

4.30 DFAT assesses that the general population face a low risk of torture. DFAT assesses that people arrested and detained for suspected criminal activities face a moderate risk of torture. This is especially the case for people suspected of involvement in the drug trade and terrorist activities.

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### Arbitrary arrest and detention

4.31 The constitution recognises freedom from arbitrary arrest and detention as a fundamental right. The law provides every person the right to legal representation and to challenge the lawfulness of their arrest or detention in court, although it does not explicitly provide the right to a lawyer or interpreter during interrogations in places of detention. Authorities are legally obliged to inform a detained person the reason for their arrest and arraign them before a magistrate within 24 hours for minor offences, 48 hours for serious offences and 72 hours for terrorism-related offences. Suspects accused of committing bailable

offences are entitled to bail before seeing a magistrate. Instead of arraignment, they can be released within 24 hours of their detention on the condition they report to court on a specified date for a pre-trial hearing. Suspects accused of committing non-bailable offences (e.g. under the [PTA](#) and the [ICCPR Act](#)) can be granted bail only after appearing before a magistrate, and at the magistrate's discretion. Suspects can be held in police stations, detention centres or prisons, as well as irregular places of detention.

4.32 Arbitrary arrest and detention occur. In 2022 (the last year for which data is available), the HRCSL received 919 complaints of alleged arbitrary arrest and detention. The majority (518) were received in Colombo. According to the US Department of State, police sometimes held detainees incommunicado, and lawyers had to apply for permission to meet clients.

4.33 International NGOs report that law enforcement authorities arrested some [Aragalaya protesters](#) for exercising their right to peaceful assembly and without following due process. In some cases, according to Amnesty International, arrests were made in an 'abduction-style' by plain clothed officers.

4.34 The military runs rehabilitation centres for drug offenders at sites previously used to rehabilitate former [LTTE](#) members. Those who enter drug rehabilitation do so pursuant to a court order, commonly issued at the request of one's family. The program lasts one year, comprising two six-month stages: (1) rehabilitation of mental and physical state, including psychological therapy and spiritual training; and (2) vocational training. According to the Bureau of Rehabilitation, as of April 2023, nearly 9,000 people had been admitted to drug rehabilitation since 2013. Local media reported that nearly 1,900 people were sent for rehabilitation between 17 December 2023 and 17 January 2024 as part of the [Yukthiya](#) anti-drug operation. There have been reports of people undergoing drug rehabilitation being subjected to forced labour, beatings and other forms of mistreatment. In June 2022, an inmate died at the Kandakadu Rehabilitation Centre as a result of blunt force trauma; four military personnel were [arrested](#).

4.35 In January 2023, parliament adopted the *Bureau of Rehabilitation Act (2023)*, which authorises the rehabilitation of 'drug dependent persons or any other person as may be identified by law as a person who requires rehabilitation'. Earlier versions of the bill included explicit references to the rehabilitation of 'ex-combatants, members of violent extremist groups and any other group of persons'; however, these provisions were struck down by the Supreme Court. According to in-country sources, the new law had yet to be applied at the time of publication.

4.36 In March 2021, new 'de-radicalisation' regulations were issued permitting administrative detention of individuals for up to two years without any legal proceedings for the purpose of 'rehabilitation' in relation to violent extremism. In August 2021, the Supreme Court issued an interim order suspending the regulations pending a final ruling. The Supreme Court declared the regulations legally invalid in November 2023 (see also [Muslims](#)).

4.37 The military previously ran a compulsory [rehabilitation](#) program for former LTTE members. This is no longer operational.

## The Prevention of Terrorism Act (PTA)

4.38 The *Prevention of Terrorism Act (PTA)* was enacted as a temporary measure in 1979 in response to separatist insurgencies. It was made permanent in 1982 and remained legally in force at the time of publication. The PTA, which is not part of regular criminal law, contains a broad definition of terrorism; permits arrest for unspecified 'unlawful activities'; allows suspects to be held in initial detention for 72 hours (i.e. before they are produced before a magistrate) and, should there be sufficient evidence that an offence has been committed, detained without charge for up to 12 months (previously 18 months); and recognises confessions as legally admissible, including confessions obtained without the presence of a lawyer. The PTA

has been routinely used to enable the prolonged detention, often without charge, of those assessed to pose a threat to Sri Lanka's security. According to the HRCSL, some individuals arrested under the PTA have spent up to 20 years in pre-trial detention. There is strong evidence the PTA has facilitated torture and other human rights violations since its introduction.

4.39 The PTA has been used primarily against ethnic minorities, historically against Tamils suspected of involvement with the LTTE and, since April 2019, Muslims suspected of involvement in the Easter Sunday terrorist attacks. Three Aragalaya protest leaders (all Sinhalese) were also detained under the PTA, despite a de facto moratorium on its use. They were subsequently released and cleared of all charges. Local and international organisations, including the UN, are highly critical of the PTA, and have expressed concern that the legal admissibility of confessions extracted under torture encourages use of the PTA in cases unrelated to terrorism.

4.40 The HRCSL, writing in November 2020, outlined that PTA detainees were subjected to special security arrangements in prison, which limited their ability to access prison work, vocational training and outdoor time. Some PTA inmates told the HRCSL they were threatened with violence, had their meals suspended and received threats against their families where they refused to provide a statement as requested. In-country sources reported that prison conditions for those detained under the PTA were not significantly worse than the general prison population, although others contested this claim.

4.41 The government reported it has released most PTA detainees and, in June 2022, announced it had implemented a de facto moratorium on the PTA's use. However, some arrests have occurred since, including the three Aragalaya protesters in August 2022 and, according to Human Rights Watch, nine Tamils in November 2023 (in connection to Maaveerar Naal commemorations). The government reported that, as of August 2023, 21 people were detained on remand under the PTA, with a further 25 convicted and serving prison sentences (these figures pre-date the most recent arrests in November 2023). DFAT is not aware of returnees from Australia to Sri Lanka being charged under the PTA.

4.42 The Wickremesinghe Government has committed to replace the PTA with more 'humane' counter-terrorism legislation and, in September 2023, gazetted for parliamentary consideration an Anti-Terrorism Bill (ATB) (the bill was tabled in January 2024). The ATB would render confessions obtained in detention inadmissible as evidence in court; improve access to legal representation and bail; and allow magistrates and the HRCSL more oversight of detentions. It would also establish an independent review panel to investigate complaints of alleged violations of fundamental rights, including freedom from torture and arbitrary arrest and detention. An earlier version of the ATB (published in March 2023) provided for the death penalty for the terrorism offence of murder, although this was subsequently removed. The PTA itself does not provide for the death penalty.

4.43 NGOs and the OHCHR say the ATB falls short of international standards. Of most concern, the ATB would broaden the definition of terrorism to include acts of civil disobedience, including property damage and disruption of essential services. NGOs report they fear this could be used to restrict freedom of assembly and political protest. The ATB also retains PTA provisions allowing for 12-month pre-trial detention and search and arrest powers for the military. At the time of publication, new anti-terrorism legislation replacing the PTA was yet to be adopted.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

5.1 Sri Lanka has no laws or policies that hinder access to state protection on the basis of religion or ethnicity. All citizens have access to avenues of redress through the [police](#), [judiciary](#) and the [HRCSL](#). In practice, these avenues may be limited by linguistic barriers and a lack of resources. Some ethnic minorities in the north-east lack confidence in the police and may therefore be less likely to seek redress through them. The military is credibly implicated in serious human rights violations during the civil war, possibly amounting to war crimes and crimes against humanity; there has been little [accountability](#) to date. The police are under-resourced and police corruption is common according to in-country sources, while the judiciary can be slow, particularly in criminal cases. The independence and effectiveness of the HRCSL was called into question during the presidency of Gotabaya Rajapaksa, although it is considered to have re-asserted some independence since the change in government and appointment of new commissioners.

### Military

5.2 The military has approximately 300,000 personnel, split across three service branches: army, navy and air force. The army, with approximately 210,000 personnel, is by far the biggest. A coast guard, responsible for law enforcement at sea, operates under the navy. Military service is voluntary, open to both men and women and the minimum age of recruitment is 18. Retirement is permissible after 22 years of service. There is no conscription. The military is overwhelmingly Sinhalese. Recruitment efforts have targeted Tamils, albeit with limited success.

5.3 The military grew considerably in the latter years of the civil war and continued to expand in the post-war period. According to World Bank data, it peaked in size between 2017 and 2019, with 317,000 personnel. In January 2023, the government announced plans to downsize the army to 135,000 personnel by 2024, and 100,000 by 2030, as part of fiscal consolidation efforts. Defence spending was largely untouched in the 2023 budget, and continued to outstrip spending on health and education.

5.4 The government can call on the military to support internal security. For example, the military played an active role in efforts to control the spread of COVID-19 and supported the police to maintain law and order during *Aragalaya*-related [states of emergency](#) in 2022. According to media reporting, the military supported the police as part of countrywide anti-drug operations launched in December 2023 known as *Yukthiya*. The UN alleges the military, like other parties, committed serious human rights violations during the civil war, and it has implicated the current Secretary of the Ministry of Defence (retired General Kamal Gunaratne) and Chief of the Defence Staff (General Shavendra Silva). There has been little [accountability](#) within Sri Lanka to date.

5.5 Some observers accused the previous government of militarising government functions by elevating current or former military officers, including officers implicated in alleged human rights violations, to key administrative positions, including positions of a typically civilian nature. The UN High Commissioner for

Human Rights identified 28 such instances between 2020 and 2022, including positions overseeing food security and the distribution of organic fertiliser.

5.6 Post-war, the military has engaged in agriculture and other commercial activities, mostly in the Northern Province, and remained economically active at the time of publication. It also runs rehabilitation centres for drug offenders.

## Police

5.7 Sri Lanka Police are responsible for enforcing criminal law and maintaining law and order inside Sri Lanka. Sri Lanka Police has approximately 90,000 members, plus an additional 11,000-strong Special Task Force. The latter is responsible for counter-terrorism and counter-insurgency operations, in coordination with the military. Women account for a growing proportion of the police force, possibly up to 10 to 15 per cent according to in-country sources, with ongoing efforts to recruit more. Some women serve in senior positions, including at the rank of Deputy Inspector General. In-country sources reported that the police were under-resourced, more so following the economic crisis in 2022, and that most officers were not trained in modern police procedures or had access to equipment to undertake advanced scientific methods of investigation.

5.8 Like the military, most members of the police, including in Tamil-populated areas, are Sinhalese. Police recruitment is done at the national level, and officers rotate throughout the country during their careers. Most police officers in the north-east do not speak Tamil. There are ongoing efforts to recruit Tamil speakers, albeit with limited success. Police basic training is conducted in Sinhala, limiting accessibility to most Tamil speakers. Social stigma is also reportedly attached to Tamils working as police officers. In-country sources told DFAT that growing numbers of Tamil youth in the north were keen to join the police but were discouraged by their families and communities due to lingering distrust. Caste can be another consideration, as Tamil police officers reportedly come from lower castes. In-country sources estimated 20 per cent of police officers in the north were Tamil.

5.9 According to in-country sources, individual police officers routinely solicited bribes (otherwise referred to as 'commissions') to supplement their incomes. It is reportedly common for people to pay bribes to avoid fines for traffic misdemeanours. Bribes are also reportedly solicited at security checkpoints in the north-east. In-country sources reported that people were known to pay the police to close criminal cases against them. They said criminals in the north, including those involved in the drug trade, received protection from the police, which deterred people from reporting criminal activity or seeking police protection. According to some in-country sources, the police and navy were involved in the drug trade in the north-east. DFAT is unable to verify this claim.

5.10 Avenues exist for the public to submit complaints about alleged police corruption or other misconduct, including directly to: officers-in-charge at local stations; the National Police Commission (NPC, established in 2015 with a mandate to protect the public from unlawful action and/or inaction by the police); CIABOC; and the HRCSL. Complaints can also be lodged online, through the Sri Lanka Police website. The NPC received over 9,200 complaints against the police, including for alleged unlawful arrest, false charges, assault, torture and abuse of power, between 2017 and 2022. DFAT understands there has been a notable increase in police officers being arrested for corruption and abuse of power.

5.11 According to in-country sources, the police were reluctant to investigate complaints involving state actors, including the military. In-country sources reported the police force was subject to political pressure and interference and, where this was resisted, officers had, at times, been reassigned to new roles. High-profile officers who investigated alleged crimes involving the military, police or Rajapaksa family have in the past been harassed or forced to flee the country.

5.12 People who face threats as a result of personal disputes, or who are targeted by criminal groups for extortion, can seek protection from the police and pursue remedies through the legal system if a law has been broken. In practice, there may be a reluctance to do so should the aggressor hold a position of influence and have state connections, due to fears of retribution.

5.13 Notwithstanding resource challenges, the police force is capable of maintaining law and order and providing protection to its citizens; however, language barriers, historical mistrust and perceptions of the police favouring the Sinhalese community can be impediments to access for ethnic minorities. The capacity of the police to respond in a non-discriminatory and gender- and trauma-sensitive way to reports of GBV and acts of societal violence toward women and members of the LGBTQIA+ community is low but increasing, including through regular investigative and interviewing training from foreign law enforcement. Nevertheless, resourcing remains an ongoing challenge. Corruption can occur by individual, usually low-ranking officers. Efforts are being made to eradicate corruption as part of the current government's broader anti-corruption drive.

## Legal system

5.14 The Supreme Court is the highest judicial authority and final appellate court in Sri Lanka. The Court of Appeal is the second highest authority, followed by provincial-level High Courts and lower courts, including magistrates' courts for criminal cases and district courts for civil cases. The Supreme Court and Court of Appeal are based in Colombo. Tamils and other ethnic minorities are under-represented as judges and other court officers. The judiciary has a record of independence, particularly at higher levels. In-country sources told DFAT that corruption could theoretically occur, particularly at lower court levels, but said judges generally were honest, fair and impartial.

5.15 The legal system allows victims of harm or mistreatment to seek protection and redress from the state, including through fundamental rights petitions lodged directly with the Supreme Court. While people are free to submit fundamental rights petitions, the need to travel to Colombo can make it impractical and financially prohibitive for those in more remote areas.

5.16 Courts are located countrywide. The Criminal Procedure Code stipulates that every person accused before a criminal court and every aggrieved person has the right to be represented in court by a lawyer. Court proceedings in the north-east are generally conducted in Tamil. Proceedings elsewhere, including in the Colombo-based Supreme Court and Court of Appeal, are conducted in Sinhalese or English. Tamils are constitutionally entitled to interpretation services where their case cannot be heard in the Tamil language. In practice, a shortage of interpreters means these services are not always available or of required quality. DFAT is aware of instances of individual court officials accepting documents only in Sinhala or English and/or refusing interpretation services in cases involving Tamil parties, although these tend to be isolated incidents.

5.17 In-country sources told DFAT the legal system as highly inefficient. By some estimates, Sri Lankan criminal courts have a backlog of 40,000 cases; in extreme circumstances, cases can take up to 15 years to reach trial (as of 31 December 2022, 65 per cent of prisoners were awaiting trial). Criminal trials can be long and slow, and delays are common – the average length of time to conclude a trial is 10 years. The government has committed to recruiting more judicial officers and establishing new court houses as part of broader justice reform efforts to speed up the justice administration process.

5.18 The right to legal aid is enshrined in law by the *ICCPR Act (2007)*. The state-funded Legal Aid Commission of Sri Lanka provides legal aid to low-income groups. Individuals with a monthly income of less than LKR15,000 (approximately AUD70) are eligible for assistance free of charge from the Commission. This threshold can be relaxed in certain circumstances (e.g. for divorced women). People arrested on drug-related charges (the single largest cohort of prisoners) are ineligible for legal aid. While the government

provides legal representation for indigent defendants in criminal cases before the High Court and Court of Appeal, this is not available for cases before lower courts. NGOs, including Women In Need, also provide some legal aid services. In-country sources familiar with the legal system told DFAT they questioned the quality of state-provided legal aid.

5.19 In November 2020, the [HRCSL](#) found a lack of access to effective legal representation was a major grievance of defendants from low socioeconomic backgrounds, who struggled to pay legal fees, particularly in prolonged criminal trials, and had to resort to selling assets. Defendants who can no longer afford legal fees in lengthy trials are assigned lawyers by the state. The HRCSL described a general perception of state-assigned lawyers not undertaking their duties with diligence, including limited communication with defendants, potentially resulting in people from low socioeconomic backgrounds receiving harsher sentences due to their financial status rather than their culpability.

5.20 In-country sources and NGOs have reported failures of the legal system to protect women reporting GBV – see [Women](#), [Conditions for women in the north and east](#), and [Muslim women](#).

5.21 The law prohibits double jeopardy under the *Code of Criminal Procedure Act (1979)*. In-country sources reported that, to the best of their knowledge, a Sri Lankan national tried for a crime overseas cannot be tried again in Sri Lanka. DFAT is not aware of recent cases of double jeopardy.

5.22 DFAT assesses the legal system is independent and impartial, if not always efficient. DFAT assesses that any Sri Lankan, including those from minority communities and victims of crime, can pursue remedies through the legal system, although language can be a barrier for Tamil speakers outside of Tamil-majority areas.

## National Human Rights Institution

5.23 The Human Rights Commission of Sri Lanka (HRCSL) was established in 1996 with a mandate to: investigate alleged violations of constitutionally-enshrined [fundamental rights](#); advise and assist the government in formulating laws and policies that protect fundamental rights and comply with international human rights standards; and promote human rights awareness. Commissioners are appointed by the president on the recommendation of the [Constitutional Council](#) for three-year terms, and may be reappointed. The current chair, former Supreme Court Justice L.T.B. Dehideniya, was appointed in July 2023. In addition to its head office in Colombo, the HRCSL operates 10 regional offices across the country, including in the north-east. The HRCSL accepts complaints from the public and may also self-initiate investigations. It does not have prosecutorial powers. In November 2021, the Global Alliance for National Human Rights Institutions (GANHRI) downgraded the HRCSL's accreditation to 'B' status (partially compliant), citing concerns over government interference, including in the appointment of commissioners. It previously held an 'A' rating.

5.24 The HRCSL received 9,219 complaints in 2022, the last year for which data is available. The most common complaint received by the HRCSL in 2022 related to reported violations of personal liberty (2,228 complaints), including [arbitrary arrest and detention](#) (919 complaints) and physical and/or mental [torture](#) (560). The second most common complaint (1,863) related to reported inaction by government entities, of which 1,267 related to the police. The third highest category of complaint was in relation to employment (1,730).

5.25 The credibility and impartiality of the HRCSL has improved since GANHRI's most recent assessment in November 2021. DFAT notes the HRCSL's countrywide presence and assesses it is accessible to all Sri Lankans, and some people are more comfortable filing complaints with the HRCSL than the [police](#). Resourcing remains an ongoing challenge for the HRCSL.

## Detention and prison

5.26 The US Department of State describes prisons conditions as ‘poor’, citing old infrastructure, overcrowding, and inadequate healthcare and sanitary facilities. The HRCSL, in its November 2020 study of Sri Lankan prisons, reported that ‘the treatment and detention conditions of prisoners fall far below the threshold of basic living standards... Conditions do not comply with accepted standards of space per prisoner, ventilation, lighting and temperature, and often amounted to inhuman living conditions’. In-country sources described prisons conditions as ‘dire’.

5.27 As of January 2024, the Sri Lankan prison system held 31,294 inmates, more than twice its theoretical capacity. An inefficient [criminal justice system](#), large remand prisoner population and often-stringent bail conditions and incarceration for minor offences (particularly non-payment of fines) all contribute to overcrowding. The government’s [Yukthiya](#) anti-drug operation, launched in December 2023, has produced a spike in prisoner numbers.

5.28 Remand prisoners significantly outnumber convicted ones. As of January 2024, 65 per cent of inmates were awaiting trial. According to statistics provided by the Department of Prisons for 2022 (the latest period for which such data is available), 65.8 per cent of remand prisoners spent less than six months in jail, 11 per cent between one and two years, and 7.1 per cent over two years. Time spent on remand may be considered part of ones’ final sentence at a judges’ discretion. Those detainees considered high-profile (for example, persons detained for alleged terrorism offences) are kept separate from the general prison population. Male and female prisoners are segregated (women comprised 4.3 per cent of the prison population in January 2024). Women are permitted to keep their children under the age of five with them in prison. There are separate facilities for youth offenders, defined in Sri Lanka as those aged between 16 and 22. The majority of inmates are Sinhalese (55 per cent of convicted prisoners, and 59.3 per cent of unconvicted prisoners, in 2022). Drug offences constitute the single largest category of offence for convicted prisoners.

5.29 Prisoners are allowed ‘home leave’ once they have completed a certain length of their sentence, subject to approval by the Ministry of Justice. Those granted home leave (275 prisoners in 2022) can stay with their families for a stipulated period before returning to prison. In the case of inmates with physical or mental impairments, the Ministry of Health, following receipt of a petition, may convene a Medical Board to determine if a prisoner can be discharged on compassionate grounds.

5.30 The [HRCSL](#) and the ICRC have the right to access any place of detention and category of prisoner, including those held for terrorism offences, and to speak privately with detainees. The HRCSL can make unannounced visits. Judges also make prison visits. Inmates can submit complaints to visiting judges and the HRCSL during their visits. Prisons have internal complaint mechanisms, although prisoners generally lack confidence in them.

## INTERNAL RELOCATION

5.31 The constitution provides for freedom of movement for all Sri Lankan citizens. There are no official barriers to internal relocation, and people relocate freely. Large numbers have moved to Colombo from other parts of the country, including the north-east, for economic reasons. Access to government services is available to those who internally relocate through their village-level government office (*grama niladhari*).

5.32 While no official barriers to internal relocation exist, practical obstacles such as a lack of financial resources, language barriers, or absence of family connections, can limit people’s options, and disproportionately impacts the poor. Continued military occupation of private land and difficulties

establishing land title can also complicate internal relocation, particularly in the north (see also [Internally Displaced Persons](#)).

5.33 Sri Lankan [security forces](#) maintain effective control throughout the country, and people are unlikely to be able to relocate internally with anonymity. The [military](#), intelligence and [police](#) maintain a high level of awareness of returned [IDPs](#) to the north-east. Levels of monitoring have reduced, although some people have reported their movements continue to be observed.

5.34 Authorities retain comprehensive countrywide [‘stop’ and ‘watch’ lists](#) of those suspected of involvement in terrorist activities or serious criminal offences. People on either list will be unable to avoid adverse attention from the security forces.

5.35 DFAT assesses that the authorities generally respect the right to internal relocation. DFAT further assesses that individuals seeking to relocate internally to minimise monitoring and/or harassment by local-level officials for petty issues can do so safely, although structural, economic and societal barriers may sometimes prevent them doing so.

## TREATMENT OF RETURNEES

### Exit and entry procedures

5.36 The *Immigrants and Emigrants Act* (1948) (the I&E Act) governs exit from and entry to Sri Lanka. Returnees who departed Sri Lanka irregularly by boat are considered to have committed an offence under the *I&E Act* (1948). Sections 34 and 35 (a) of the *I&E Act* (1948) make it an offence, respectively, to depart Sri Lanka other than via an approved port of departure and/or without a valid passport. No offence under the *I&E Act* (1948) applies for returnees who departed Sri Lanka legally. It is not a crime for a Sri Lankan citizen to seek asylum abroad.

5.37 Sri Lankans who fail to secure asylum in Australia return to Sri Lanka (Colombo Airport) on either commercial or charter flights. In some instances, they may be accompanied by security escorts. Some failed asylum seekers return, and are processed, in groups. They include both voluntary and involuntary returnees. In addition to failed asylum seekers, returning groups may include people who have been deported from Australia on character grounds, including people who have committed crimes in Australia and completed their prison sentences.

5.38 On arrival at Colombo Airport, failed asylum seekers go through immigration, where their identities are verified. For returnees with a valid passport, this process is swift; for those returning on a [temporary travel document](#), the process will take longer. According to in-country sources, failed asylum seekers returning on charter flights were processed much quicker, as their identities had been verified in advance.

5.39 Depending on the circumstances of their departure from Sri Lanka (i.e. if they departed legally or illegally), personal history (i.e. if they have a criminal background in Sri Lanka) and whether they are travelling on temporary travel documents, failed asylum seekers may face further questioning from Sri Lankan Immigration, the SIS, Navy Intelligence (SLNI) and the police (CID). These agencies check travel documents and identity information against immigration and intelligence databases and records of outstanding criminal matters. This process should identify someone trying to conceal a criminal or terrorist background, or trying to avoid court orders or arrest warrants. DFAT is not aware of recent returnees being mistreated during this process.

5.40 Of particular interest to the authorities are organisers and facilitators of people smuggling ventures, including captains and their crew, and those with outstanding court orders or arrest warrants for crimes

committed prior to departing Sri Lanka. Those identified as organisers and facilitators of people smuggling ventures are remanded in custody and tried in accordance with the law. Likewise, should a returnee have an outstanding arrest warrant, they will be taken into custody and tried in accordance with the law; according to in-country sources, they were not treated any differently, for better or worse. DFAT is not aware of recent returnees from Australia being detained for matters other than illegal departure, nor is DFAT aware of recent returnees from Australia being identified as being of interest because of an association with the [LTTE](#) or for activities undertaken or views expressed while abroad.

5.41 Once their identities have been established by immigration, failed asylum seekers who departed Sri Lanka illegally are escorted to an immigration office at the airport for further questioning; this typically takes between 30 and 45 minutes. They are then transferred to the SIS and SLNI for questioning. This is a longer process; the SIS and SLNI are specifically interested in information about the organisers and facilitators of the illegal venture in which they took part. Once intelligence agencies have completed questioning, these returnees are transferred to the CID for further questioning and then charged with breaking immigration law.

5.42 Where returnees form part of a larger returning group, they might spend up to eight hours at the airport from the point of arrival (individuals forming part of a larger group cannot exit the airport until the entire group is processed. Staff constraints at the airport can also cause delays). If in a small group or returning individually, questioning will last considerably less (between three to four hours according to in-country sources). Children always stay with the family unit during this process. Children themselves are not questioned – only the parents are. DFAT is not aware of recent instances of unaccompanied minors being returned to Sri Lanka from Australia.

5.43 Once airport processes, including questioning by the SIS, SLNI and CID, are complete, failed asylum seekers who departed Sri Lanka illegally are presented to court in Negombo (near Colombo Airport) and bailed. To the best of DFAT's knowledge, couples and families returning together are not separated during the court process and returnees are not mistreated. Once bailed, returnees are free to go – they do not spend any time in prison (payment is not required to secure bail). This process in its entirety (questioning at the airport, court appearance, bail, release) generally takes between 12 and 24 hours to complete from the point of arrival, depending on the number of returnees. If Negombo court is closed by the time returnees are presented (the court closes at 16.30), they will be remanded and presented to court the following day. Charter flights from Australia usually arrive very early in the morning, which usually gives sufficient time for returnees to be processed at the airport and transported to court before closing time. Those who departed Sri Lanka legally and unsuccessfully sought asylum abroad do not face this process, as they did not break any law.

5.44 In-country sources reported on the lived experience of Tamils in Jaffna and Batticaloa who failed to secure asylum in Australia. All had arrived in Australia by irregular maritime means and returned voluntarily to Sri Lanka with IOM support. Most returned recently (the earliest was in 2019). These failed asylum seekers did not report being mistreated at Colombo Airport during the various stages of questioning and described the process as 'straightforward.' Recent returnees reported receiving simple questions from immigration officers and said that questioning by intelligence agencies and the police was less extensive than in the past, at least for those without a criminal record. DFAT is aware of a case where a returnee was reportedly questioned for three hours, although they were not mistreated. Once questioning was complete, most returnees were presented before a magistrate in Negombo, charged with breaking immigration law and bailed within 24 hours, at which point they were free to go.

5.45 In-country sources told DFAT that recent returnees in Batticaloa (including in 2023 and 2022) did not have criminal cases brought against them for departing Sri Lanka illegally and, after passing immigration, were free to go (i.e. they were not questioned by intelligence or the police). In-country sources said this was

at the discretion of individual immigration officers, and, in one case, reported that a returnee was able to bribe immigration officers to avoid being charged under the *I&E Act* (1948).

5.46 The IOM meets voluntary returnees (i.e. not deportees) after immigration clearance at the airport and provides cash and onward transportation assistance. Legal assistance is provided by the Legal Aid Commission of Sri Lanka for those charged with illegal departure. The Australian Border Force provides involuntary returnees from Australia some cash to assist their return.

5.47 DFAT is not aware of failed asylum seekers being subjected to mistreatment during processing at Colombo Airport and subsequent court hearings.

## Offences under the Immigrants and Emigrants Act

5.48 Penalties for breaking the *I&E Act* (1948) by leaving Sri Lanka illegally can include imprisonment of up to five years and a fine, although DFAT is unaware of a prison sentence being given solely for illegal departure. While passengers of illegal maritime ventures are bailed and released, those identified as being complicit in the organisation of a venture are charged with more serious offences and typically refused bail and remanded in custody.

5.49 People charged under the *I&E Act* (1948) are required to appear in court in the location where the matter was first heard, usually Negombo Court, near Colombo Airport. While the frequency of court appearances depends on the magistrate, most defendants appear in court for bail hearings every three months for the first 12 months. DFAT understands the frequency of hearings decreases after the first 12 months (in some cases to every 10 months). Court cases for illegal departure typically take between 12 and 24 months to complete, although in some instances may take longer as the criminal justice system is overloaded and court procedures can be slow. Court hearings involve both legal and transport costs for the defendant. Where a defendant fails to appear for a bail hearing, a warrant is issued for their arrest, in accordance with the law. DFAT understands that most of these returnees plead guilty to breaking the *I&E Act* (1948). In addition to their own hearings, those charged with illegal departure may be summonsed as witnesses in cases against organisers and facilitators of illegal maritime ventures. In-country sources reported that failed asylum seekers found it inconvenient and expensive to return to Colombo for hearings, and could not travel abroad while their court cases were pending and passports impounded.

5.50 While people convicted of the offence of illegal departure may theoretically face a custodial sentence, in-country sources told DFAT that, in practice, a fine was always imposed. At the time of publication, this fine was LKR50,000 (approximately AUD230). The severity of the fine does not increase for those who have departed Sri Lanka illegally on more than one occasion. The fine can be paid in up to three instalments. According to in-country sources, people were remanded for up to 14 days if unable to pay this fine. DFAT is unable to verify how prevalent detention in such circumstances is – the decision is at the discretion of the individual magistrate. Sri Lanka also imposes a five-year travel ban on people charged with illegal departure.

5.51 The age of criminal responsibility in Sri Lanka is 12 years. Under Sri Lankan law, anybody over the age of 12 at the time of their alleged offence is treated as an adult. Children over the age of 12 can therefore be charged with breaking the *I&E Act* (1948), so long as they were 12 or older at the time of the alleged offence. No charges are imposed against children under 12 years of age or those who were younger than 12 at the time of the alleged offence.

5.52 DFAT is not aware of returnees from Australia being charged under the PTA. Some returnees from Australia have been charged with immigration offences and with criminal offences allegedly committed before departure.

## Conditions for returnees

5.53 Between July 2013 and September 2023, 1,478 individuals returned voluntarily from the Australian community to Sri Lanka after being refused a protection visa application through a statutory (appealable) process (of whom: 92 returned in 2013-14; 139 in 2014-15; 259 in 2015-16; 165 in 2016-17; 184 in 2017-18; 200 in 2018-19; 143 in 2019-20; 23 in 2020-21; 92 in 2021-22; 87 in 2022-23; and less than 30 in 2023). During the same period, 440 individuals were removed from immigration detention in Australia and deported to Sri Lanka after being refused a protection visa application through a statutory (appealable) process (of whom: 31 were removed and deported in 2013-14; 37 in 2014-15; 106 in 2015-16; 46 in 2016-17; 88 in 2017-18; 43 in 2018-19; 26 in 2019-20; 0 in 2020-21; 21 in 2021-22; 11 in 2022-23; and less than 5 in 2023). Most returnees are from the north-east, nearly all of them [Tamil](#). While individual experiences may vary, the majority return to their place of origin, where they are able to utilise existing family and community links.

5.54 The IOM provides resettlement and reintegration assistance in the form of a USD3,300 (approximately AUD5,000) cash grant to failed asylum seekers who return to Sri Lanka voluntarily under IOM auspices. In-country sources who reported on the lived experience of failed asylum seekers said that many had used this money to start businesses. The IOM also provides pre-arrival support, including with respect to travel documents. While some failed asylum seekers may experience difficulty finding suitable employment and reliable housing on return, they can often fall back on family and community networks for support. The IOM monitors' returnees' welfare, including through in-person visits and telephone calls. Involuntary returnees receive minimal support beyond that provided by familial and community networks. Involuntary returnees who lack Sri Lankan legal documentation (e.g. those born in [India](#) and who have never lived in Sri Lanka) may experience delays in obtaining documentation as a result of bureaucratic inefficiencies, which, in turn, would inhibit their ability to access social [welfare](#) programs and open bank accounts.

5.55 In-country sources who reported on the lived experience of recent failed asylum seekers from Jaffna and Batticaloa said there was no evidence of official harassment or threats to their security, including state surveillance or visits to their homes, since returning to Sri Lanka, nor evidence of societal discrimination after returning to their communities. In-country sources reported that, while failed asylum seekers could not discount the possibility of visits by the TID or CID in the past, including for suspected [LTTE](#) links, such visits were very rare today, and recent returnees had not experienced this.

5.56 In-country sources reported recent voluntary returnees had received support from the IOM, as well as from their families and broader communities. Recent returnees had been welcomed by their communities and found employment; some had established businesses since returning to Sri Lanka and, in some cases, were employing members of the community.

5.57 In-country sources told DFAT they were not aware of failed asylum seekers, including those with suspected LTTE links, being subjected to official harassment, including monitoring, or official or societal discrimination following their return to Sri Lanka. In-country sources said it was possible that a failed asylum seeker with a criminal history could be monitored, but it would be on the basis of their criminal history, not their ethnicity. Passengers of illegal maritime ventures convicted of illegal departure on their return to Sri Lanka would unlikely be the subject of monitoring.

5.58 DFAT is not aware of returnees who committed a crime while in Australia and were deported to Sri Lanka after completing their sentence experiencing adverse official attention or societal discrimination on return. Returnees with outstanding court orders or arrest warrants for crimes committed in Sri Lanka prior to their departure for Australia were of more interest to authorities.

5.59 DFAT assesses that failed asylum seekers face a low risk of official harassment and societal discrimination on their return to Sri Lanka.

## DOCUMENTATION

5.60 Most Sri Lankans have identity documentation of some kind. The National Policy on Durable Solutions for Conflict-Affected Displacement (adopted in 2016) commits the state to providing replacement identity documents, including birth, marriage and death certificates, to [IDPs](#) and refugee returnees, and free legal information and assistance regarding the re-issuance of these documents.

5.61 The civil war affected the ability of people living in LTTE-controlled areas to access civil documentation services, including due to an absence of Additional Registrar Generals (ADRs) in some areas. Where ADRs did exist, in-country sources told DFAT that births in hospitals or homes were often not registered correctly, and many parents could not register their child's birth due to their marriage itself being unregistered (in some cases, due to underage marriage, which was used as a means to avoid child conscription). According to in-country sources, Sri Lankan [NICs](#) were not issued in LTTE-controlled areas (the LTTE issued its own identification cards). After the war ended in 2009, the government organised mobile services at the district and divisional levels in areas previously controlled by the LTTE to register births and marriages and issue NICs. Most previously unregistered marriages and births were registered through this service.

5.62 People who reside in rural locations report that the requirement to travel to major townships to obtain identity documentation is prohibitive. In the north-east, documentation processes can be delayed by a lack of Tamil-speaking officials.

5.63 Sri Lankans residing abroad can apply for identity documents, including citizenship and [passports](#), from Sri Lankan diplomatic or consular missions.

### Birth and death certificates

5.64 Hospitals record births and forward the information to a Divisional Secretariat (local administrative unit) for registration. In the case of home births, parents must inform their *grama niladhari* within seven days of the birth occurring; the *grama niladhari*, in turn, will forward the information to the Divisional Secretariat for registration. Failure to register a birth is a punishable offence; however, the Registrar General's Department has provisions for issuing 'certificates of probable age' to children under the age of 14 whose birth was not previously registered. The Divisional Secretariat issues a birth certificate on completion of the registration process; copies can be obtained from the Divisional Secretariat in the area where the certificate was first issued. In 2020, Sri Lanka announced it would issue 'digital birth certificates' with unique serial numbers and a QR code, and minus previously mandatory details relating to ethnic group, religion and parental marriage. At the time of publication, digital birth certificates had yet to be issued.

5.65 Children born abroad to a Sri Lankan citizen can be registered with a Sri Lankan diplomatic or consular mission in their country of birth. For children born abroad to receive Sri Lankan citizenship, at least one of their parents must be a Sri Lankan citizen or have dual citizenship at the time of the birth. Documents to be submitted as part of the citizenship application include: the child's local birth certificate; parents' birth certificates; parents' marriage certificate; parents' passports; evidence of residence status in the child's country of birth; and a statutory declaration completed by one of the parents. Where the parents were not married at the time of the child's birth, an affidavit relating to Paternity and Declaration of Citizenship, certified by a solicitor, is required. At the time of publication, the cost of registering a child born in Australia through a Sri Lankan diplomatic mission in Australia was AUD163. A fine applies where a child born abroad is registered for Sri Lankan citizenship after the age of one. In the case of an Australian-born child over the age of one being registered for Sri Lankan citizenship through a Sri Lankan diplomatic mission in Australia, at the time of publication the fine was AUD12 each year beyond the first year of birth. The citizenship of children

born abroad becomes void on reaching the age of 21, at which point they must decide whether to retain Sri Lankan citizenship or the citizenship of the country of their birth, or both. Sri Lanka permits dual citizenship.

5.66 The *grama niladhari* must be informed immediately following a death and the Divisional Secretariat must be informed within five days. Copies of a death certificate can be obtained from the Divisional Secretariat in the division where the death took place, even if different to the area of residence. If the death occurs at home, the *grama niladhari* must provide a report to prove the death. Where a death occurs in a hospital, the relevant medical officer must provide a report. A death certificate is required to transfer the title deeds for land to widowed females (see also [Female-headed households](#)).

5.67 In 2016, the *Registration of Deaths (Temporary Provisions) Act* was amended to allow the issue of [certificates of absence](#) to families of missing people. A certificate of absence certifies that a person is missing and can be used by next of kin, in lieu of a death certificate, to access government benefits and land and bank accounts belonging to the missing. According to the [OMP](#), only a small proportion of families of missing people currently possess certificates of absence.

## National Identity Cards (NICs)

5.68 A National Identity Card (NIC) is the primary identification document for most Sri Lankans. Birth certificates, driver's licences and passports are also frequently used. Sri Lankan citizens aged 16 or over are eligible to apply for a NIC regardless of their ethnicity, religion, language or geographic location. A NIC is obtained through one's *grama niladhari* or the Department for Registration of Persons; it can be obtained only within Sri Lanka. A NIC does not specify ethnicity or religion, and is issued in Sinhalese, or in the case of Tamil speakers, in Tamil. There is no renewal period.

5.69 A NIC is required to access government services, including public health and education, and is also required to open a bank account and obtain credit. A NIC can be used to acquire all other identity documents, including [passports](#).

5.70 In April 2023, the Department for Registration of Persons invited NIC applications from Sri Lankans who have previously been unable to obtain a NIC due to not having a birth certificate.

## Passports

5.71 The Department of Immigration and Emigration issues passports in Sri Lanka, and Sri Lankan diplomatic and consular missions issue passports to Sri Lankans abroad. Current requirements for adult passports are an existing passport (if available); an original birth certificate; an original [NIC](#); a marriage certificate (to confirm change of name after marriage, if applicable); biometric data; and evidence of one's occupation (if applicable). Biometrics, including fingerprint data and the internationally accepted photograph standard, were introduced to passports in 2015 and made obligatory from 2018. Passports are machine-readable and are typically valid for 10 years. Electronic passports, with chips containing the recipient's biodata, were announced for 2019; however, were yet to be rolled out at the time of publication.

5.72 Sri Lankans without passports can re-enter the country on temporary travel documents, also known as Emergency Passports or Non-Machine Readable Passports, issued by a Sri Lankan diplomatic or consular mission. Temporary travel documents are valid for three months and can be used only for the purpose of re-entry to Sri Lanka (i.e. they cannot be used to enter any other country). See also [Returnees from Tamil Nadu](#).

## PREVALENCE OF FRAUD

5.73 Most official records in Sri Lanka are kept in a centralised location in hard-copy format; government departments lack computerised information databases.

5.74 Genuine identity documents have been obtained by submitting fraudulent supporting documents, including [birth certificates](#) and [NICs](#). Counterfeit documents are the primary cause of fraud in the issue of NICs, passports and driver's licences. Fake passports can be obtained in Sri Lanka. People seeking fake passports include those on ['stop'](#) and ['watch'](#) lists, those wishing to falsify their age to obtain employment, or those wishing to return to a country from which they have previously been deported.

5.75 Attempts to use fraudulent documents are common, including for emigration purposes. DFAT is aware of fraudulent sponsor and employment letters being presented by visa applicants. Fraudulently obtained bank statements and land title deeds have also been presented as evidence of an individual's financial situation. Asylum destination countries have reported receiving fraudulent documentation from asylum applicants, including anecdotal reports of a photography studio that took photos of individuals in old [LTTE](#) uniforms for use in asylum seeker applications.

5.76 DFAT assesses that document fraud is common in Sri Lanka, and there is capacity for fraud in the process for reissuing lost documents.